



DEVELOPMENT CONSENT AUTHORITY

PALMERSTON DIVISION

MINUTES

MEETING No. 210 – WEDNESDAY 20 JUNE 2018

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

MEMBERS PRESENT: Suzanne Philip (Chair), Steve Ward and Mark Blackburn

APOLOGIES: Bob Flanagan

OFFICERS PRESENT: Margaret Macintyre (Secretary) and Dawn Parkes (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 9.45 am and closed at 10.15 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 **SUBDIVISION AND CONSOLIDATION TO CREATE THREE LOTS**
PA2018/0176 **INCLUDING ONE LOT FOR LEASE IN EXCESS OF 12 YEARS IN THREE**
 STAGES
 LOTS 1133, 1134 & 1135 (38, 40 & 42) GEORGINA CRESCENT, TOWN OF
 PALMERSTON
APPLICANT **NORTHERN PLANNING CONSULTANTS PTY LTD**

Mr Brad Cunnington (Northern Planning Consultants) attended.

RESOLVED That, pursuant to section 53(a) of the *Planning Act*, the Development Consent
23/18 Authority consent to the application to develop Lots 1133, 1134 and 1135 (38, 40
 and 42 Georgina Crescent), Town of Palmerston, for the purpose of a subdivision
 and consolidation to create three lots including one lot for lease in excess of 12
 years in three stages, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a Traffic Impact Report in accordance with the Austroads Guide to Traffic Management Part 12: Traffic Impacts of Development to the requirements of City of Palmerston, to the satisfaction of the consent authority.
2. Prior to the endorsement of plans and prior to commencement of works (including site preparation) a statement must be provided from a building certifier, within the meaning of the *Building Act*, as to whether the future buildings on-site, approved by DP15/0730 and its subsequent variations, will continue to comply with the *Building Act* and associated Regulations following the subdivision, to the satisfaction of the consent authority.

GENERAL CONDITIONS

3. Works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
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 on the plan of subdivision submitted for approval by the Surveyor General.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities and electricity supply and to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
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. Any easements or reserves required for the purposes of stormwater drainage, roads, access, or for any other purpose, shall be made available free of cost to City of Palmerston and/or neighbouring land owners.
8. All proposed works within, or impacting upon, the Roystonea Avenue or Temple Terrace road reserves shall be in accordance with the standards and specifications of the Department of Infrastructure Planning and Logistics. Drawings must be submitted to the Transport and Civil Services Division, Department of Infrastructure Planning and Logistics, for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve"
9. Engineering design and specifications for the proposed and affected roads, including:
 - i. street lighting;
 - ii. stormwater drainage;
 - iii. vehicular access;
 - iv. pedestrian/cycle corridors; and
 - v. streetscaping and landscaping of nature stripsare to be to the technical requirements of City of Palmerston and/or Department of Transport as the case may be, to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
10. 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.
11. Access to the Lots shall be via the existing approved accesses and no new access will be permitted.

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. A Development Permit issued under the *Planning Act* is not an approval for access onto a Territory Road. Approval for access to be taken from, or constructed within a NT Government controlled road reserve rests solely with the Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics as the approving Road Authority.
3. 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>

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 primary purpose of Zone SC (Service Commercial) is to provide for commercial activities which, because of the nature of their business or size of the population catchment, require large sites.

The proposal is to subdivide and consolidate Lots 1133, 1134 and 1135, Town of Palmerston to create 3 lots (two allotments and one for a lease in excess of 12 years) to be undertaken in three stages; stage 1 comprising title for the lease (service station / restaurant) parcel, stage 2 comprising proposed Lot 1, and stage 3 comprising proposed Lot 2.

There are no minimum lot size requirements for the subdivision of Zone SC land. The proposed subdivision will facilitate an appropriate distribution of land titles to facilitate the showroom sales, warehouse, and service station development approved over the subject parcels; by virtue of DP15/0730 and its subsequent variations. For this reason it is considered that the proposed subdivision will not alter the service commercial intent of the site.

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

The subdivision is to facilitate the transfer of titles for a development that has already been considered by the authority. There are no proposed changes to any of the previously approved access driveways to the site. Provided that all recommended conditions of approval are adhered to, impacts on the existing and future amenity of the area in which the land is situated are considered unlikely.

3. Pursuant to Section 51 (q) of the *Planning Act*, the consent authority must consider, for a proposed subdivision of land on which a building is, or will be, situated – whether the building complies, or will comply, with any requirements prescribed by regulation in relation to the building (including, for example, requirements about the structural integrity and fire safety of the building)

There are no existing buildings on the site. Nonetheless, the application does not include a letter from a building certifier confirming that proposed subdivision will not cause the future buildings on the site (approved by DP15/0730 and its subsequent variations) to cease to comply with the *NT Building Act*. This requirement has been included as a precedent condition of approval.

ACTION: Notice of Consent and Development Permit

ITEM 2
PA2018/0174
APPLICANT

CHANGES TO THE DEVELOPMENT APPROVED BY DP16/0231 RESULTING IN 3 X 3 BEDROOM MULTIPLE DWELLINGS IN A SINGLE STOREY BUILDING LOT 11186 (13) REDWOOD STREET, TOWN OF PALMERSTON
RAW DESIGNS

Mr Rob Watt (Raw Designs) attended.

RESOLVED
24/18

That, the Development Consent Authority vary the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme, and pursuant to section 53(b) of the *Planning Act*, alter the proposed development and consent to the proposed development as altered to develop Lot 11186 (13) Redwood 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 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:
 - (a) a setback of at least 6.2m to the building and 4.6m to the carport from the primary street, in accordance with the previous approval granted through Development Permit DP16/0231; and
 - (b) compliance with all requirements of Clause 7.5 (Private Open Space).
2. Prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Palmerston stormwater drainage system shall be submitted to and approved by the City of Palmerston, to the satisfaction of the consent authority. The plan shall include details of site levels and Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system.

GENERAL CONDITIONS

3. Works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
4. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority 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, electricity facilities and telecommunications to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
6. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created.

7. 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.
8. 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.
9. 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.
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 is to be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
12. 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.
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.
15. 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 time as addressing is obtained.

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. 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 08 936 4070 to determine if the proposed works are subject to the Act.

3. 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>
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 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 dwellings) is to *'provide for a range of housing options to a maximum height of two storeys above ground level'*. The proposal is the construction of 3 x 3 bedroom multiple dwellings on 1000m² of land in Zone MD, located within the suburb of Johnston. The proposal is considered to be consistent with the purpose of the Zone however it does not comply with Clause 7.3 (Building Setbacks of Residential Buildings) and Clause 7.5 (Private Open Space).

The proposal mostly complies with the preliminary setback requirements as per Clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) however as the building is approximately 34.5m long it therefore requires an additional setback of 2.75m to the western rear boundary and the primary street. A total setback of 7.25m is required from the carport and 8.75m from the building wall to the primary street boundary where a maximum of 4.48m and 5.6m is provided. A setback of 4.25m in total is required to the rear boundary where 2.4m is provided to the carport and 4.7m to the building.

Pursuant to Clause 2.5 (Exercise of Discretion by the Consent Authority) of the NT Planning Scheme, the Authority may consent to the development of land that does not meet the standards set out in Parts 4 or 5 if it is satisfied that special circumstances justify the giving of consent.

The Authority considered that the proposal is almost identical in design to the development approved through the granting of Development Permit DP16/0231 and therefore the reasons for granting a variation to the setback requirements for that proposal also apply to the current proposal. The Authority noted however that there were no special circumstances to further reduce the setback to the primary street and therefore amended plans are required to show setbacks to the primary

street that do not exceed those approved through the granting of Development Permit DP16/0231. These setbacks are considered to preserve the amenity of the area by reducing building massing in concert with the varying setbacks and altering materials proposed along this façade.

The proposal does not comply with Clause 7.5 (Private Open Space) as Unit 2 does not meet the minimum dimensions where a maximum of 4m x 4.8m is provided where 5m x 5m is required. The Authority considered that there were no special circumstance to grant a variation to this Clause, noting that the previous approval granted through Development Permit DP16/0231 was able to provide compliant private open space. Given that the current proposal is almost identical in design to the approved development, amended plans are required to show the provision of compliant open space.

2. Pursuant to section 51(j) of the *Planning Act*, the consent authority must also 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.

The Department of Environment and Natural Resources has not raised any issues regarding land capability. Provided stormwater is managed accordingly, the land is considered to be capable of supporting the proposed development.

3. Pursuant to Section 51(t) of the *Planning Act*, the consent authority must take into consideration other matters it thinks fit.

A similar proposal was approved through the granting of Development Permit DP16/0231 which granted a variation to the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) to allow the building to be setback 6.2m from the primary street where 9m was required; 4.6m to the carport where 7.5m was required; and 1.5m to the western boundary where 4.5m was required. In that proposal the building length was 34.5m x 16.2m.

It is noted the requirements of the NT Planning Scheme have not changed in regard to the applicable Clause and the variations sought. The current proposal is similar to that of the approved development but seeks to further reduce the setbacks to the primary street. As the current proposal is almost identical in design to the approved development the Authority noted the variations previously granted but were not of a mind to vary those setbacks further.

ACTION: Notice of Consent and Development Permit

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

SUZANNE PHILIP
Chair

21 June 2018