

DEVELOPMENT CONSENT AUTHORITY

PALMERSTON DIVISION

MINUTES

MEETING No 182 – WEDNESDAY 18 NOVEMBER 2015

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

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

APOLOGIES: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), Deborah Curry, Anthony Brennan and Kaitlyn Zeek (Development Assessment Services) and Stephanie Bruer (Lands Planning)

COUNCIL REPRESENTATIVE: Gerard Rosse

Meeting opened at 9.30 am and closed at 12 noon

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 12 X 2 BEDROOM MULTIPLE DWELLINGS IN 3 X SINGLE STOREY BUILDINGS
PA2015/0671 LOT 7103 (102) BONSON TERRACE, TOWN OF PALMERSTON
APPLICANT MPZ BUILDERS PTY LTD

Mr Manuel Zarufis (MPZ Builders) attended.

Submitter Mr Ghulam Abbas attended with Mr Chowdhury Sadaruddin attended.

**RESOLVED
166/15**

That, the Development Consent Authority 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 7103 (102) Bonson Terrace, Town of Palmerston for the purpose of 12 x 2 bedroom multiple dwellings in 3 x single storey buildings, subject to the following conditions:

CONDITION PRECEDENT

1. 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.
2. Prior to the commencement of works, an Erosion and Sediment Control Plan (ESCP), is to be submitted to and approved by the consent authority on the advice of the Department of Lands Resource management. The ESCP is to be developed by a suitably qualified and experienced professional in erosion and sediment control planning and 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 the ESCP. The plan should detail methods and treatment for minimising erosion and sediment loss from the site during the construction phase. Information regarding erosion and sediment control and ESCP content is available at www.austieca.com.au and the Department's website: <http://lrn.nt.gov.au/soil/management>.

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 and approval to carry out

works shall be obtained prior to the commencement of construction, 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, gas and telecommunication services to the development 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. Before the occupation of the development, the area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat;
 - (d) drained;
 - (e) line marked to indicate each car space and all access lanes; and
 - (f) clearly marked to show the direction of traffic along access lanes and driveways;to the satisfaction of the consent authority.
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
8. 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.
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 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.
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. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
14. 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.
15. 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 use is not started within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.The consent authority may extend the periods referred to if a request is made in writing before the permit expires.
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
3. 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.
4. 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.
5. Addressing should comply with the Australian Standard (AS/NZS 4819:2011). The developer should immediately make application to Survey and Land Records for the assignment of street address numbers via surveylandrecords@nt.gov.au or telephone 08 89955355.
6. Internal firefighting arrangements shall be made to provide full lot fire coverage to the requirements of NT Fire and Rescue.

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 proposal is for 12 x 2 bedroom multiple dwellings in 3 x single storey buildings, located on Bonson Terrace. It is considered that the proposed development is consistent with the purpose of Zone MD (Multiple Dwelling Residential) of the Scheme as it will provide a variety in the housing options for potential residents of the area.

2. A variation to Clause 6.5.3 (Parking Layout) of the Scheme is granted as:
 - only a small portion of one car parking bay encroaches into the required setback;
 - landscaping will assist in screening the car park from view of the street; and
 - the remainder of the development is fully compliant with the Planning Scheme with 2 additional car parking bays provided above what is required.
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 Erosion and Sediment Control Plan (ESCP) is developed and implemented and stormwater is appropriately managed on site without impacting on surrounding residential areas and disposed of into Councils stormwater drainage system, no adverse impact on the surrounding land is anticipated.

ACTION: Notice of Consent and Development Permit

ITEM 2	SHOWROOM SALES, WAREHOUSES AND A SERVICE STATION
PA2015/0740	LOTS 1133, 1134 & 1135 (38, 40 & 42) GEORGINA CRESCENT, TOWN OF PALMERSTON
APPLICANT	DKJ PROJECTS ARCHITECTURE PTY LTD

Mr Adam Walker (DKJ Projects Architecture Pty Ltd), Mr Brad Cunnington (Northern Planning Consultants) and Mr Ross Finocchiaro (landowner) attended.

Mr Cunnington tabled 3 amended plans showing in response to proposed condition precedent a & b.

**RESOLVED
167/15**

That, the Development Consent Authority vary the requirements of Clauses 6.1 (General Height Control) and 6.6 (Loading Bays) of the Northern Territory 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 Lots 1133, 1134 and 1135 (38, 40 and 42) Georgina Crescent, Town of Palmerston for the purpose of showroom sales, warehouses and a service station, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation) approved by this permit, 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 either two copies must be provided or they must be submitted electronically. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) The provision of a loading bay located near the service station and restaurant tenancies to provide for the loading and unloading of vehicles associated with the use of land;
 - b) Bicycle storage facilities in accordance with the Scheme;
 - c) The relocation of the electricity package substation to be located wholly within the lot to the requirements of Power and Water; and
 - d) Proposed accesses and swept path diagrams for the maximum sized vehicle intended to access the development. The drawings must demonstrate that the appropriate access for the expected levels of traffic can be provided without causing disruption to traffic, queuing or an adverse impact on the safety of the road network, to the requirements of the Department of Transport.
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 the proposed method of stormwater management during the construction phase including details of existing and proposed stormwater infrastructure, stormwater drains and drainage easements and how stormwater is to be discharged underground to the City of Palmerston's and/or Department of Transport's stormwater drainage system, to the requirements of City of Palmerston and/or Department of Transport as the case may be, to the satisfaction of the consent authority.
3. 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 and/or Department of Transport as the case may be, to the satisfaction of the consent authority.

4. Prior to the commencement of works, an Erosion and Sediment Control Plan (ESCP), is to be submitted to and approved by the consent authority on the advice of the Department of Lands Resource management. The ESCP is to be developed by a suitably qualified and experienced professional in erosion and sediment control planning and 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 the ESCP. The plan should detail methods and treatment for minimising erosion and sediment loss from the site during the construction phase. Information regarding erosion and sediment control and ESCP content is available at www.austieca.com.au and the Department's website: <http://lrm.nt.gov.au/soil/management>.
5. Prior to the commencement of works (including site preparation), a Construction Traffic Management Plan (detailing all appropriate site management measures, including construction access, proposed haulage routes, vehicle types, protection of existing assets, protection of public access and a risk assessment) shall be submitted to and approved by the consent authority upon the advice of the Department of Transport. When approved the CTMP will be endorsed and will then form part of the permit.

GENERAL CONDITIONS

6. Works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
7. An Occupancy Permit under the *Building Act* must not be issued until Lots 1133, 1134 and 1135 (38, 40 and 42) Georgina Crescent, Town of Palmerston have been consolidated and a new title issued for the consolidated lot.
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. The developer 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 City of Palmerston and/or the Department of Transport as the case may be, 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 including no entry/no exist sign and arrows.
to the satisfaction of the consent authority.
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
11. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the City of Palmerston and the Department of Transport.
 12. 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 tracking of materials onto streets to the requirements of the Department of Transport to the satisfaction of the consent authority.
 13. 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 Department of Transport as the case may be to the satisfaction of the consent authority.
 14. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into the Department of Transport's and/or City of Palmerston's drains or to any watercourse.
 15. 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.
 16. 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.
 17. Where unfenced, the Temple Terrace and Roystonea Avenue road frontages are to be appropriately fenced in accordance with the Department of Transport's standards and requirements to the satisfaction of the consent authority.
 18. Dryland grassing shall be established on the verges fronting the development and shall be undertaken to the Department of Transport's standards to the satisfaction of the consent authority.
 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. Provision must be made on the land for the storage and collection of garbage and other solid waste to the requirements of the Department of Health. This area must be graded and drained and screened from public view to the

satisfaction of the consent authority.

21. All waste material not required for further on-site processing must be regularly removed from the site to an approved facility. All vehicles removing waste must have fully secured and contained loads so that the risk of waste spillage and dust or odour is minimised, to the satisfaction of the consent authority.
22. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
23. 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).
24. All works are to be in accordance with the approved Construction Traffic Management Plan to the satisfaction of the consent authority.
25. The developer is to ensure that all development work is undertaken in a manner that prevents the creation of a public health nuisance from dust or other particulate matter.

NOTES:

1. This permit will expire if one of the following circumstances applies:
 - (a) the use is not started within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.The consent authority may extend the periods referred to if a request is made in writing before the permit expires.
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
3. The development should be constructed in accordance with the *National Construction Code* and must meet the requirements of the *Public Health Act*, Public Health (Shops, Eating Houses, Boarding Houses, Hostels and Hotels) Regulations, as well as the proposed Public Health Guidelines for Commercial Visitor Accommodation and approval should be obtained from the Department of Health.
4. The Developer, his Contractor or Service Provider is required to obtain a "Permit to Work Within a Road Reserve" from the Department of Infrastructure prior to the commencement of works within the Temple Terrace and Roystonea Avenue road reserve.
5. 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 aerially) within the subject lot.
6. Any floodlighting or security lighting provided on site should be shielded in a manner to prevent the lighting being noticeable or causing nuisance to Temple Terrace and Roystonea Avenue traffic.
7. The developer is to advise the Northern Territory Environment Protection Authority of activities to be conducted at this site, in the approved format.
8. 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 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 application is for the development 17 showroom sales, warehouses with ancillary offices and a service station with associated fast food restaurant in three single storey building. As the development proposes a number of warehouse tenancies and showrooms that will support large commercial activities the proposal is considered consistent with the purpose of the Zone SC (Service Commercial) of the Scheme.

2. A variation to Clause 6.1 (General Height Control) of the Scheme to allow a maximum height of 9.57m where 8.5m is required is granted as:
- Only one portion of the roof exceeds 8.5m as the roof slopes from 9.57m to 5.9m. The slope of the roof reduces the impact of building massing when viewed from the side;
 - The architectural embellishments and articulation add interest to the streetscape and break up the expanse of the roof and walls;
 - As the buildings are well setback from the street and landscaping has been provided to soften the building when viewed from the street no building massing is anticipated; and
 - The proposal is consistent with the existing character of the area.
3. A condition precedent has been included within the recommendations requiring that a loading bay be provided for a small ridged vehicle to service the restaurant and service station so as to ensure safe and convenient loading and unloading of vehicles. A variation to Clause 6.6 (Loading Bays) of the Scheme to allow a loading bay for a small ridged vehicle to be provided rather than a loading bay with minimum dimensions of 7.5m x 3.5m is granted as the nature of the uses can be

sufficiently serviced with a small ridged vehicle.

4. A condition precedent has been included within the recommendations requiring the inclusion of bicycle storage facilities in accordance with the requirements of Clause 8.2 (Commercial and other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T) of the Scheme as no special circumstances have been provided for a variation.
5. 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 site is predominantly vacant and does not appear to contain any other constraints which may affect the development or cause the development to impact on other land in the vicinity. Lots 1133, 1134 and 1135 (38, 40 and 42) Georgina Crescent are zoned to accommodate service commercial activities such as a service station, showroom sales and warehouses.

Therefore, provided that all issues raised by the service authorities are suitably addressed it is considered that the land is capable of supporting the proposed development.

ACTION: Notice of Consent and Development Permit

ITEM 3
PA2015/0761

APPLICANT

**OFFICE ADDITION TO EXISTING COMMUNITY CENTRE (REPLACEMENT OF EXISTING OFFICE WITH LARGER OFFICE BUILDING)
LOTS 3589 (86) WOODROFFE AVENUE, TOWN OF PALMERSTON
HEINER STRUCTURAL ENGINEERING CONSULTANTS PTY LTD**

Ms Annette Joseland (Heiner Structural Engineering Consultants Pty Ltd), Mr Jason Osborne (NT Link), Mr Andrew Lee and Mr Simon Pickens (Salvation Army) attended.

RESOLVED
168/15

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 3589 (86) Woodroffe Avenue, Town of Palmerston for the purpose of an office addition to an existing community centre, subject to the following conditions:

CONDITION PRECEDENT

1. 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 the on-site collection of stormwater and its discharge into the City of Palmerston's 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 to the satisfaction of the consent authority.
4. Before the occupation of the development, 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.
5. 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.
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. All air conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
8. Storage for waste disposal bins is to be provided to the requirements of 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.

NOTES:

1. This permit will expire if one of the following circumstances applies:
 - (a) the use is not started within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.The consent authority may extend the periods referred to if a request is made in writing before the permit expires.
2. 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 application is for an office addition to an existing community centre. As the community centre is a permitted use and the office is ancillary to this use the development is considered consistent with the purpose of Zone CP (Community Purpose) of the 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.

Provided that stormwater is appropriately managed on site without impacting on surrounding residential areas and disposed of into Council's stormwater drainage system, no adverse impact on the surrounding land is anticipated.

ACTION: Notice of Consent and Development Permit

ITEM 4
PA2015/0713

SUBDIVISION TO CREATE 205 RESIDENTIAL LOTS AND 1 PUBLIC OPEN SPACE LOT IN 3 STAGES, AND A SIDE SETBACK PLAN (ZUCCOLI 3/4 SUB-STAGE 2) LOT 12432 (0) ZUCCOLI PARADE & LOT 4251 (575) ROYSTONEA AVENUE, TOWN OF PALMERSTON
MASTERPLAN NT

APPLICANT

Mrs Linda Henning (Masterplan NT), Mr Mike Shokman (Costojic) and Mr Hermanus Louw (Development Manager, Zuccoli) attended.

Mrs Henning tabled her notes on Condition precedent 1, the DAS report and the requirement for an additional connector road, two plans showing connectors and a walking amenity plan.

Submitter: City of Palmerston was represented by Gerard Rosse.

**RESOLVED
169/15**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 12432, Town of Palmerston for the purpose of a subdivision to create 205 residential lots, 1 public open space lot plus the remaining balance area in 3 stages to require the applicant to provide the following additional information that the authority considers is necessary to enable proper consideration of the application.

- Further information on the road layout and hierarchy including:
 - (a) a revised Road Hierarchy Plan, with Road 15 upgraded to a Local Access Road as required by City of Palmerston; and
 - (b) interconnection between the southern portion of Zuccoli Stage 4 and Zuccoli Stage
- Further information demonstrating how the public open space is consistent with the Landscape Master Plan submitted with the application (and also included in previous applications and pre-lodgement presentations), which provides for a high level of amenity for future residents (lakes, areas for fishing, picnicking and walking). Any departure from the public open space envisaged in the Landscape Master Plan should demonstrate a level of amenity equal to that shown on the Landscape Master Plan.
- Written confirmation from the City of Palmerston that an in principle agreement has been reached on the stormwater management systems which are to be used within the public open space areas.

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.

Further information on the road layout and hierarchy is required as the current road layout does not demonstrate sufficient interconnectivity to comply with Palmerston Eastern Suburbs Planning Principle 1(h) which requires an interconnected local street network providing access, route choice, and designed with priority for safe, efficient, and pleasant walking and cycling.

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.

Confirmation that the proposed public open space is consistent with the Landscape Master Plan or that any departure from the public open space

envisaged in the Landscape Master Plan provides an equal amenity is required as the consent authority considers this an essential component of the overall subdivision. Certainty surrounding the type and level of amenity provided by the public open space is required in order to enable proper consideration of the application.

ACTION: Advice to applicant

**RESOLVED
170/15**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 12432, Town of Palmerston for the purpose of a building setback plan to require the applicant to provide the following additional information that the authority considers necessary to enable proper consideration of the application:

- Resolution of the subdivision application including any changes to the subdivision layout that may arise as a result of the additional information request.

REASON FOR THE DECISION

1. The building setback plan can only be considered with the associated the subdivision application.

ACTION: Advice to Applicant

**ITEM 5
PA2015/0430**

**CONCURRENT APPLICATION - REZONE PART LOT 10288 TOWN OF PALMERSTON FROM ZONE MD (MULTIPLE DWELLING RESIDENTIAL) TO ZONE MR (MEDIUM DENSITY RESIDENTIAL) AND CONSTRUCT 32 X 2 BEDROOM AND 8 X 3 BEDROOM MULTIPLE DWELLINGS IN A FOUR STOREY BUILDING LOT 10288 (3) TARAKAN COURT, TOWN OF PALMERSTON
ONE PLANNING CONSULT**

APPLICANT

Mr Israel Kgoisemang (One Planning Consult) and Mr David Anthony (owner) attended.

Mr Kgoisemang tabled information on land to the east of the subject site zoned MR and developed as MD.

**RESOLVED
171/15**

That, under section 30Q of the *Planning Act*, the Development Consent Authority report to the Minister for Lands and Planning on the preliminary decision, issues raised in the submissions, issues raised at the hearing and any other matters it considers the Minister should take into account when considering the proposal.

ACTION: Report to the Minister

RESOLVED
172/15

Pursuant to section 30P(1)(b) of the *Planning Act*, the Development Consent Authority determine that if the Minister were to approve the amendment proposed by the concurrent application, the Development Consent Authority would be likely to refuse to consent to the application to develop Lot 10288 (3) Tarakan Ct, Town of Palmerston, for the purpose of 32 x 2 bedroom and 8 x 3 bedroom multiple dwellings in a four storey building, under section 30W(1)(c), for the following reasons:

1. The application does not adequately demonstrate how suitable and functional access will be achieved to the whole of the site. Approving the application without considering the future development of the remainder of site may impact on the amenity of residents of the northern portion of the site by limiting access to the remainder of the site to the 6m wide internal driveway through the centre of the proposed development.
2. Pursuant to Section 30P(2)(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 application does not comply with Clause 7.3.1 (Additional Setback Requirements for Residential Buildings longer than 18m and for Residential Buildings Over 4 Storeys in Height) of the Northern Territory Planning Scheme as the proposed building will be setback 8.18m from the primary street boundary (Farrar Boulevard) where 10.5m is required.

Clause 2.5(3) (Exercise of Discretion by the Consent Authority) allows the authority to vary the provisions of Parts 4 or 5 only if it is satisfied that special circumstances justify the giving of consent.

In consideration of a variation to Clause 7.3.1 of the Northern Territory Planning Scheme it is considered that:

- there appears to be adequate room on site to accommodate either the proposed building or a smaller building without the need for a primary street setback reduction;
- the site is not constrained by easements or irregularities of parcel boundaries; and
- no special circumstances pertaining to the characteristics of the land have been demonstrated.

It is therefore considered that the application has not adequately demonstrated circumstances that are unusual, exceptional, out of the ordinary and unexpected in the context of a Zone MR (Medium Density Residential) site. The characteristics of the site did not give rise to the non-compliance expressed in the design and as such a variation to Clause 7.3.1 of the Northern Territory Planning Scheme is not supported.

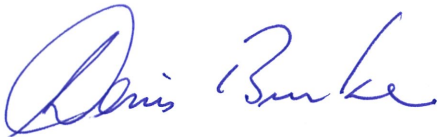
ACTION: Advice to Applicant

RESOLVED
173/15

That, pursuant to section 86(1) of the *Planning Act*, the Development Consent Authority delegates its powers to the Chairman or in Chairman's absence any one of the other members of the Palmerston Division to:

1. determine pursuant to Section 30W(1)(c) of the *Planning Act* refuse to consent to the development proposal contained in the concurrent application and refuse the concurrent application after receipt of a notice under Section 30U(1); and
2. Issue the relevant notices under Section 30Z.

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



DENIS BURKE
Chairman

25/11/15