DEVELOPMENT CONSENT AUTHORITY

PALMERSTON DIVISION

MINUTES

MEETING No 183 – MONDAY 7 DECEMBER 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 and Anthony Brennan
(Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 9.45 am and closed at 11.20 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  PA2015/0783  APPLICANT
3 X 3 BEDROOM MULTIPLE DWELLINGS IN 2 X 2 STOREY BUILDINGS
LOT 12443 (1) GEORGE STREET, TOWN OF PALMERSTON
ONE PLANNING CONSULT

DAS tabled an addendum – amended plans from the applicant.

Mr Israel Kgosiemang (One Planning Consult) attended.

RESOLVED  179/15
That, the Development Consent Authority vary the requirements of Clause 7.3
(Building Setbacks of Residential Buildings) of the Northern Territory Planning
Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application
to develop Lot 12443 (1) George Street, Town of Palmerston for the purpose of 3 x 3
bedroom multiple dwellings in 2 two 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.

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
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, 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.

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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. 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.

8. 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.

9. 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.

10. 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.

11. Before the use/occupation of the development starts, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.

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

13. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.

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

15. All air conditioning condensers are to be appropriately screened from public view.
view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.

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

NOTES:

1. This permit will expire if one of the following circumstances applies:
(a) the 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). You should immediately make application to Survey and Land Records for the assignment of address numbers 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 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 3 x 3 bedroom multiple dwellings in 2 two storey buildings, located on the corner of Farrar Boulevard, George Street and Camm Street. Lot 12443 (1) George Street, Town of Palmerston is zoned MD (Multiple Dwelling Residential) of the Scheme. It is therefore considered that the proposed development is consistent with the purpose of Zone MD as it will provide a variety in the housing options for potential residents of the area.

2. A variation to Clause 7.3 (Building Setbacks of Residential Buildings) of the Scheme is granted to allow a primary setback of 2.5m where 6m is required by the Scheme as:

- The proposal provides an increased secondary street setback of 6m which is consistent with the requirements for a primary street setback;
- The building will have a consistent setback with adjoining lots and as such will be compatible with the existing streetscape;
- The building’s rooflines are well articulated such that there will be minimal impacts in terms building massing when viewed from Farrar Boulevard or adjoining land;
- There are sufficient setbacks to encourage breeze penetration through and between buildings;
- Large areas of private open space located along the Camm Street frontage will limit the effect of building massing when viewed from the street; and
- The driveway located at the rear of the lot will limit the effect of building massing when viewed from adjoining properties and from Farrar Boulevard.

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 stormwater will be 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**

PA2015/0787

**3 X 3 BEDROOM MULTIPLE DWELLINGS IN A SINGLE STOREY BUILDING**

LOT 12433 ZUCCOLI PARADE & LOT 13262 (0) ZUCCOLI, TOWN OF PALMERSTON

**APPLICANT**

RAW DESIGN

Mr Rob Watt (Raw Design) and Mr Israel Kgosiemang (One Planning Consult) attended.
That, the Development Consent Authority vary the requirements of Clause 7.3.1 (Additional Setback Requirements for Residential Buildings Longer Than 18 Metres and for Residential Buildings Over 4 Storeys in Height) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application to develop Lot 12433 (Proposed Lot 13262), Zuccoli, Town of for the purpose of 3 x 3 bedroom multiple dwellings in a single storey buildings, subject to the following conditions:

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

3. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority and approval to carry out works shall be obtained prior to the commencement of construction, to the satisfaction of the consent authority.

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

5. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to City of Palmerston to the satisfaction of the consent authority.

6. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of City of Palmerston, to the satisfaction of the consent authority.

7. The owner shall:
   (a) remove disused vehicle and/ or pedestrian crossovers;
   (b) provide footpaths/ cycleways;
   (c) 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.

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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.
8. 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.

9. Before the use/occupation of the development starts, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.

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

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

12. 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.

13. 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. City of Palmerston advises that they are unable to evaluate the existing street conditions proposed for the lot and therefore unable to evaluate the adequacy of the driveway crossovers, stormwater and waste bin service. The consent authority advises that should the ultimate street conditions result in the requirement for amended plans then a variation application or development application may be required.

2. This development as approved by the Development Consent Authority achieves a high level of articulation in part due to the open carports at the front of the building. Retaining this level of articulation is considered by the DCA to be essential to this development achieving the purpose of Clause 7.3.1 (Additional Setback Requirements for Residential Buildings Longer than 18m and for Residential Buildings Over 4 Storeys in Height). Any enclosure of these carports will require full consideration by the consent authority.

3. 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.

4. 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.

5. 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.

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

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. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from Department of Land Resource Management.

REASONS FOR THE DECISION

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

The proposed development is consistent with the primary purpose of Zone MD as it provides for multiple dwelling housing options for potential residents of Zuccoli.

2. A variation to the requirements of Clause 7.3.1 (Additional Setback Requirements for Residential Buildings Longer than 18m and for Residential Buildings Over 4 Storeys in Height) to allow a front setback of 6.2m where 8m is required and to allow a rear setback of 1.59m where 3.5m is required by the Northern Territory Planning Scheme is granted as:

- The front of the building is inclusive of open carports which act to reduce the solid form and massing effect when viewed form the street;
- The rear of the building is staggered and inclusive of open verandahs which act to reduce the solid form and massing effect when viewed from the adjoining lot;
- Architectural design features including varied roof lines, varied building materials and horizontal and vertical elements also act to further 'break-up' the overall form of the building;

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There are sufficient setbacks to encourage breeze penetration through and between buildings; and

- The multiple dwellings are single storey and therefore minimises the potential for overlooking.

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 stormwater is managed on site without impacting on adjoining properties and disposed of into City of Palmerston’s stormwater drainage system the land is generally considered capable of accommodating a multiple dwelling development.

4. 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 an area approved for a residential subdivision and the proposed multiple dwellings would be unlikely to have an adverse impact on the existing and future amenity of the locality provided that the collection and discharge of stormwater is managed to

ACTION: Notice of Consent and Development Permit

| ITEM 3 | CHANGES TO DP15/0376 INCLUDING REMOVAL OF MOTEL COMPONENT AND CORRESPONDING LAYOUT CHANGES |
| PA2015/0748 | LOT 9635 (15) THE BOULEVARD & LOT 10026 (1) PALMERSTON CIRCUIT, TOWN OF PALMERSTON |
| APPLICANT | NORTHERN PLANNING CONSULTANTS |

Mr Brad Cunnington (Northern Planning Consultants) and Mr Colin Browne (Jackman Gooden Architects) attended.

RESOLVED 181/15 That, pursuant to section 53(c) of the Planning Act, the Development Consent Authority refuse to consent to the application to develop Lot 9635 (15) The Boulevard and Lot 10026 (1) Palmerston Circuit, Town of Palmerston for the purpose of changes to DP15/0376 to amend the development to 45 x 1, 109 x 2 and 33 x 3 bedroom multiple dwellings, shops and offices in a 15 storey building comprising 3 towers in 3 stages for the following reasons:

REASONS FOR THE DECISION

1. Pursuant to Section 51(a) of the Planning Act, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.
Development Permit DP15/0376 was issued in June 2015 for the purpose of 50 x 1, 121 x 2 and 17 x 3 bedroom multiple dwellings (including 22 serviced apartments), 168 motel suites, shops and offices in a 17 storey building comprising 3 towers in 3 stages.

The current proposal is for changes to Development Permit DP15/0376 to amend the development to 45 x 1, 109 x 2 and 33 x 3 bedroom multiple dwellings, shops and offices in a 15 storey building comprising 3 towers in 3 stages. The current proposal does not comply with Clauses 6.5.1 (Parking Requirements), 6.5.3 (Parking Layout), 6.6 (Loading Bays) and 7.5 (Private Open Space) of the Northern Territory Planning Scheme.

In consideration of the changes to Development Permit DP15/0376 the authority has significant concerns with the amended proposal. The application has presented arguments for variations to Clauses 6.5.1 (Parking Requirements), 6.5.3 (Parking Layout), 6.6 (Loading Bays) and 7.5 (Private Open Space) of the Northern Territory Planning Scheme based on the previous determination without specifically addressing significant amendments to the proposed land uses in their application or at the DCA meeting. The authority agrees with the City of Palmerston’s comment that methodologies relating to the function of the development and parking requirements must be re-examined.

Therefore having considered the application, responses by the relevant service authorities, the Development Assessment Service report and submissions made by the applicant at the meeting, the consent authority considers that the same reasons outlined in Development Permit DP15/0376 cannot be transferred for use to justify support for a significantly altered proposal and, as such the authority determines to refuse the application.

ACTION: Notice of Refusal

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

DENIS BURKE
Chairman

11/12/15

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