DEVELOPMENT CONSENT AUTHORITY

PALMERSTON DIVISION

MINUTES

MEETING No 176 – WEDNESDAY 20 MAY 2015

BOULEVARD ROOM
QUEST PALMERSTON
18 THE BOULEVARD
PALMERSTON

MEMBERS PRESENT: Denis Burke (Chairman), Steve Ward, Andrew Byrne and Heather Malone

APOLOGIES: Paul Bunker

OFFICERS PRESENT: Margaret Macintyre (Secretary), Deborah Curry, Anthony Brennan and Leonie Gleeson (Development Assessment Services) and Anne Wilson (Lands Planning – Item 8 only)

COUNCIL REPRESENTATIVE: Gerard Rosse

Meeting opened at 9.00 am and closed at 1.45 pm
ITEM 1
PA2015/0192
APPLICANT
2 X 4 BEDROOM MULTIPLE DWELLINGS IN A SINGLE STOREY BUILDING
LOT 11710 (11) FALCO COURT, TOWN OF PALMERSTON
VANGUARD HOMES PTY LIMITED

Mr Peter Kassiou (Vanguard Homes) and Ms Minnie Pajarillo (architect) attended.

RESOLVED
68/15

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 11710 (11) Falco Court, Town of Palmerston for the purpose of 2 x 4
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 the commencement of works
(including site preparation), a schematic plan demonstrating the on-site
collection of stormwater and its discharge into the City of Palmerston’s
underground stormwater drainage system shall be submitted to and approved
by the City of Palmerston, to the satisfaction of the consent authority. The plan
shall include details of site levels and Council’s stormwater drain connection
point/s. The plan shall also indicate how stormwater will be collected on the
site and connected underground to Council’s system.

GENERAL CONDITIONS

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

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

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

5. Stormwater is to be collected and discharged into the drainage network to the
technical standards of and at no cost to City of Palmerston to the satisfaction of
the consent authority.
6. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of City of Palmerston, to the satisfaction of the consent authority.

7. The owner shall:
   (a) remove disused vehicle and/or pedestrian crossovers;
   (b) provide footpaths/cycleways;
   (c) undertake reinstatement works;
   All to the technical requirements of and at no cost to the City of Palmerston, to the satisfaction of the consent authority.

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

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

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

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

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

13. All air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed to ground level in a controlled manner to the satisfaction of the consent authority.

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

1. This permit will expire if one of the following circumstances applies:
   (a) the 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.

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 (Multiple Dwelling Residential) of the Northern Territory Planning Scheme as it provides for a variety of housing option for potential residents of area.

2. A variation to Clause 7.3 (Building Setbacks of Residential Buildings) of the Scheme to allow a reduced front setback of 6.0m where 8.0m is required and reduced side setbacks of 1.5m where 5.5m is required, is granted as:

   • the development is single storey and includes unenclosed areas which will encourage breeze penetration;
   • the articulation provided in the design of the building will minimise building massing when viewed from adjoining land and Falco Court;
   • the building will have a consistent setback with adjoining development and as such will be compatible with the streetscape;
   • undue overlooking to Lot 11711 (15) Falco Court is avoided as the private open space areas will be screened utilising a mixture of solid and permeable fencing and landscaping; and
   • no public submissions were received during the exhibition period.
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.

The Department of Land Resource Management has not identified any issues with the capability of the land to support the development. Provided that stormwater is appropriately managed, no adverse impacts on the surrounding land are anticipated.

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

**ITEM 2** 3 X 3 BEDROOM MULTIPLE DWELLINGS IN A SINGLE STOREY BUILDING

**PA2015/0159**

**APPLICANT** RAW DESIGNS

LOT 11280 (33) CAMM STREET, TOWN OF PALMERSTON

Mr Rob Watt (Raw Designs) and Mr Israel Kgosiemang (One Planning Consult) attended.

**RESOLVED**

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 11280 (33) Camm 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:

**CONDITIONS PRECEDENT**

1. Prior to the commencement of works (including site preparation), 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 Land Resource Management. The plan should detail methods and treatments for minimising erosion and sediment loss from the site during the construction phase. The IECA Best Practice Erosion and Sediment Control Guidelines 2008 may be referenced as a guide to the type of information, detail and data that should be included in an ESCP. 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.

2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Palmerston’s 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. The 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. 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.

6. 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.

7. Before the 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.

8. 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.

9. 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 networks to the development shown on the endorsed plan in accordance with the authorities’ requirements and relevant legislation at the time.

10. 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.

11. 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.

12. 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.

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

14. 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, 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. 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 Land Resource Management’.

16. 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.

NOTES:

1. This permit will expire if one of the following circumstances applies:
   (a) the development is not started within two years of the date of this permit; or
   (b) the development is not completed within four years of the date of this permit.
   The consent authority may extend the periods referred to if a request is made
   in writing before the permit expires.

2. 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.

3. This development permit does not grant "building approval" for the proposed
   structure. The Building Code of Australia requires that certain structures within
   900mm of a boundary meets minimum fire resistance level requirements and
   you are advised to contact a registered private Building Certifier to ensure that
   you have attained all necessary approvals before commencing demolition or
   construction works.

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 in order 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 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.

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 (Multiple Dwelling Residential) of the Northern Territory Planning Scheme as it provides for a variety of housing option for potential residents of area.

2. A variation to Clause 7.3 (Building Setbacks of Residential Buildings) of the Scheme is granted as:

- The development is single storey and residential in nature which is consistent with the surrounding streetscape of single and multiple dwellings;
- The building includes recesses for the porches to Camm Street, fenestration to both frontages, mix of building materials and a sloped skillion roof form which minimises the adverse effects of building massing when viewed from the street;
- The north western and south western aspects provide recesses for verandahs which provide articulation to those aspects which reduces building massing when viewed from adjoining land;
- The formal verandah areas and external paved areas are to be screened by 1.8m high colorbond fencing over a 0.6m retaining wall and other external areas are to be fenced with 1.8m chainwire fence with landscaping in accordance with the Planning Scheme. Further, the setbacks of residential buildings to the neighbouring boundaries comply with the Planning Scheme requirements;
- The design incorporates openings on opposing aspects to encourage breeze penetration through the buildings and the inclusion of sections of chainwire fencing will encourage breeze penetration between the neighbouring single dwelling and the private open space areas; and
- No public submissions were received during the exhibition period.

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.

The subject site is generally rectangular with a truncated corner to the south-east. The vacant site slopes from the north east to the south west. Provided that stormwater is appropriately managed on site without impacting on surrounding residential areas and an ESCP is submitted and adhered to no adverse impact on the surrounding land is anticipated.

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

**ITEM 3**
**PA2015/0160**
**APPLICANT**

2 X 3 AND 2 X 2 BEDROOM MULTIPLE DWELLINGS IN TWO SINGLE STOREY BUILDINGS
LOT 8249 (3) INVERWAY CIRCUIT, TOWN OF PALMERSTON

RAW DESIGNS

Mr Rob Watt (Raw Designs) and Mr Israel Kgosiemang (One Planning Consult) attended.

**RESOLVED**
**70/15**

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 8249 (3) Inverway Circuit, Town of Palmerston for the purpose of a 2 x 3 and 2 x 2 bedroom multiple dwellings in two single storey buildings, subject to the following conditions:

**CONDITIONS PRECEDENT**

1. Prior to the commencement of works (including site preparation), 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 Land Resource Management. The plan should detail methods and treatments for minimising erosion and sediment loss from the site during the construction phase. The IECA Best Practice Erosion and Sediment Control Guidelines 2008 may be referenced as a guide to the type of information, detail and data that should be included in an ESCP. Information regarding erosion and sediment control and ESCP content is available at [www.austieca.com.au](http://www.austieca.com.au) and the Department’s website: [http://lrn.nt.gov.au/soil/management](http://lrn.nt.gov.au/soil/management).

2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of (insert Council) stormwater drainage system shall be submitted to and approved by the City of (insert Council), 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.

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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.
3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), swept path diagrams demonstrating access (entry and exit) to the parking spaces for Units 2 and 3 is to be provided in accordance with Australian Standards and the Northern Territory Planning Scheme to the satisfaction of the consent authority.

GENERAL CONDITIONS

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

5. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.

6. Before the 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.

7. 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.

8. Before the 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.

9. 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.

10. 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 networks to the development shown on the endorsed plan in accordance with the authorities’ requirements and relevant legislation at the time.

11. 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.
12. 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.

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 to the satisfaction of
    the consent authority.

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

15. 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, 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. 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 Land Resource Management’.

17. 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.

NOTES:

1. This permit will expire if one of the following circumstances applies:
   (a) the development is not started within two years of the date of this permit; or
   (b) the development is not completed within four years of the date of this permit.
       The consent authority may extend the periods referred to if a request is made
       in writing before the permit expires.

2. 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.

3. This development permit does not grant “building approval” for the proposed
   structure. The Building Code of Australia requires that certain structures within
   900mm of a boundary meets minimum fire resistance level requirements and
   you are advised to contact a registered private Building Certifier to ensure that
   you have attained all necessary approvals before commencing demolition or
   construction works.

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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.
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 in order 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 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.

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 (Multiple Dwelling Residential) of the Northern Territory Planning Scheme as it provides for a variety of housing option for potential residents of area.

2. A variation to Clause 7.3 (Building Setbacks of Residential Buildings) of the Scheme is granted as:

- The development is single storey and is to utilise consistent setbacks with adjoining development;
- The aspect fronting Inverway Circuit and the southern aspect utilises recesses for the verandahs and carports to provide articulation and reduce building massing to the streetscape;
- The northern aspect of the development utilises a stepped design which reduces building massing when viewed from the adjoining land;
- Private open space areas are screened from view by existing fencing and proposed colorbond fencing and the verandah areas are generally located so as to minimise exposure to the common boundary;
- The inclusion of unenclosed verandahs and carports and chainwire fencing allows breeze penetration between buildings; and
- No public submissions were received during the exhibition period.

3. A Condition Precedent requiring access and egress for Units 2 and 3 to the Australian Standards is required so as to ensure that cars utilising these spaces can manoeuvre conveniently and safely whilst exiting in a forward gear in accordance with the requirements of the Northern Territory Planning Scheme.
4. Pursuant to Section 51(j) of the Planning Act, the consent authority must take into consideration the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.

The subject site is irregular with a skewed north western boundary. The vacant site lies between two existing developments being a multiple dwelling development to the north and a single dwelling to the south. Provided that stormwater is appropriately managed onsite without impacting on surrounding residential areas and an ESCP is submitted and adhered to, no adverse impact on the surrounding land is anticipated.

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

<table>
<thead>
<tr>
<th>ITEM 4</th>
<th>SHED WITH REDUCED SETBACK TO THE SECONDARY STREET</th>
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<tbody>
<tr>
<td>PA2015/0095</td>
<td>LOT 7258 (14) NDHALA CLOSE, TOWN OF PALMERSTON</td>
</tr>
<tr>
<td>APPLICANT</td>
<td>NATHAN PANGBOURNE BIRD</td>
</tr>
</tbody>
</table>

The applicant did not attend the meeting.

**RESOLVED** 71/15

That, pursuant to section 53(c) of the Planning Act, the Development Consent Authority refuse to consent to the application to develop Lot 7258 (14) Ndhala Close, Town of Palmerston for the purpose of a shed addition to an existing single dwelling with a reduced secondary street setback for the following reasons:

**REASONS FOR THE DECISION**

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

The application does not comply with Clause 6.11 (Garages and Sheds) of the Northern Territory Planning Scheme as the proposed shed will be setback 1m from the secondary street boundary (Ormiston Court) where 2m 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 6.11 (Garages and Sheds) of the Northern Territory Planning Scheme it is considered that:

- there appears to be adequate room on site to accommodate either the proposed shed or a smaller shed without the need for a secondary street setback reduction;
it appears that dwellings in the immediate area are in compliance with the NTPS and blanket setback plan and as such no further variations have been granted in the immediate area;
- the site is not constrained by easements or irregularities of parcel boundaries;
- the proposed location of the shed detracts from the amenity and streetscape of adjoining and nearby land; and
- no special circumstances pertaining to the characteristics of the land have been demonstrated.

It is therefore considered that the applicant has not adequately demonstrated circumstances that are unusual, exceptional, out of the ordinary and unexpected in the context of a single dwelling 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 6.11 (Garages and Sheds) of the Northern Territory Planning Scheme is not supported.

**ACTION:** Notice of Refusal

**ITEM 5**

**PA2014/1010**

**CHANGES TO DP12/0227, DP12/0227A AND DP12/0227B TO INCREASE THE SHOWROOM SALES AREA IN BUILDING 1 AND CHANGE OF USE OF RESTAURANT TO WAREHOUSE IN BUILDING 2.**

**LOTS 11532 & 11533 (2 & 8) MIDDLETON STREET, TOWN OF PALMERSTON**

**APPLICANT**

**PLANIT CONSULTING**

DAS tabled further information from the applicant:- parking layout, car park design, waste.

Mr Adam Smith (Planit Consulting) and Mr Doug Sallis (Owner and Developer) attended.

**RESOLVED**

**72/15**

The Development Consent Authority vary the requirements of Clauses 6.5.3 (Parking Layout), 6.6 (Loading Bays) and 9.1.1 (Industrial Setbacks) of the Scheme and pursuant to section 53(a) of the Planning Act, the Development Consent Authority consent to the proposed development to develop Lots 11532 (2) and 11533 (8) Middleton Street, Yarrawonga, Town of Palmerston, subject to the following conditions:

**CONDITIONS PRECEDENT**

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

- A detailed landscaping plan showing a planting schedule of all proposed trees,
shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant to be planted adjacent to car parking areas; and

- Waste bin storage and collection areas in accordance with the requirements of the City of Palmerston.

2. Prior to the endorsement of plans and prior to commencement of works (including site preparation), confirmation from a suitably qualified traffic engineer confirming that the car parking area is in accordance with Australian Standards must be submitted to the satisfaction of the consent authority.

GENERAL CONDITIONS

3. The 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 and electricity facilities, gas and telecommunication networks to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

6. 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) fitted with vehicle stops;
   (f) line marked to indicate each car space and all access lanes; and
   (g) 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.

7. The car parking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their clients.

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

10. The loading bay between Building 2 and Building 3 must only receive deliveries and be utilised by vehicles with maximum dimensions of a SRV (Small Rigid Vehicle), to the satisfaction of the consent authority.

11. The loading bay between Building 2 and Building 3 must be appropriately line marked and signed to ensure usage is limited to a SRV (Small Rigid Vehicle), to the satisfaction of the consent authority.

12. Deliveries to the loading bay between Building 2 and Building 3 must only take place before:
   10 a.m. Monday to Friday;
   9 a.m. Saturday; and
   Unrestricted deliveries on Sunday

13. All proposed works (including the provision or connection of services) within, or impacting on the Stuart Highway road reserve are to be in accordance with the standards and specifications of the Department of Transport. Design documents must be submitted to the Transport Infrastructure Planning Division for Road Agency Approval and no works are to commence prior to approval.

14. Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the consent authority. Storage for waste disposal bins is to be provided to the requirements of City of Palmerston to the satisfaction of the consent authority.

15. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
   (a) transport of materials, goods or commodities to or from the land
   (b) appearance of any building, works or materials
   (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil
   (d) presence of vermin others as appropriate.

NOTES

1. This permit will expire if one of the following circumstances applies:
   (a) the development and use is/are 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. A “Permit to Work Within a Road Reserve” may be required from the Department of Infrastructure before commencement of any work within the Stuart Highway road reserve.

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

4. 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.

5. Any floodlighting or security lighting provided on site should be shielded in a manner to prevent the lighting being noticeable or causing nuisance to road traffic.

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 in order 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 proposal is for warehouses, showroom sales and leisure and recreation which will operate within the existing buildings on-site. It is considered that these uses will not impact on the amenity of the adjoining or nearby land by the nature of their operations and as such the proposal is considered consistent with the purpose of the LI (Light Industry) zone.

2. A variation to Clause 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme is granted as:
   
   • The parallel car parking spaces and blind parking isles are to be in accordance with Australian Standards. The requirement for confirmation from a suitably qualified traffic engineer confirming that the car parking is in accordance with Australian Standards will ensure that these spaces are sufficiently sized;
   • All other parking spaces on site meet the requirements of the Northern Territory Planning Scheme;
   • The configuration will result in compliant car parking numbers; and
   • Adequate screening between car spaces and the road will be ensured through the provision of a landscape plan.

3. A variation to Clause 6.6 (Loading Bays) of the Northern Territory Planning Scheme to reduce the number of loading bays from 6 to 4 and
to reduce the minimum dimensions of the loading bay adjacent to the warehouse tenancies in Building 2 is granted as:

- Building 1 and Building 3 are provided with loading bays solely for their use;
- Building 2 is provided with two (2) loading bays to service the showroom sales tenancy and the two (2) warehouse tenancies;
- The loading bay intended to service the warehouse tenancies is located in an appropriate location so it is conveniently accessible to both warehouses;
- Vehicle stops are to be fixed in parking areas adjacent to the entrances of the warehouse to eliminate vehicle/pedestrian/loading conflicts;
- Delivery hours are to be conditioned to ensure conflicts between the usage of the new bay and the bottle shop do not occur; and
- The loading bay is to be line marked and sign to ensure only appropriately sized SRV (Small Rigid Vehicles) utilise the bay.

4. A variation to Clause 9.1.1 (Industrial Setbacks) of the Northern Territory Planning Scheme to allow a landscaping buffer of 1m to the North West portion of the site is granted as:

- Adequate screening between car spaces and the road will be ensured through the provision of a landscape plan.

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.

Located within Yarrawonga light industrial area, the rectangular site has an area of 10,590m2 and is developed for the purpose of a service station, bottle shop, warehouse, showroom sales, leisure and recreation and restaurants. The site has restricted opportunity to provide additional car parking spaces and loading bays and is not in proximity to public transport stops. The layout has however been altered to provide an additional loading bay and compliant car parking spaces onsite.

**ACTION:** Notice of Consent and Development Permit
ITEM 6  PA2014/1034  ZUCCOLI STAGES 3 & 4 (SUB-STAGE ONE) - BUILDING ENVELOPE AND SETBACK PLAN

LOTS 12432 & 12433 ZUCCOLI PARADE & LOT 4251 (575) ROYSTONEA AVENUE, TOWN OF PALMERSTON

APPLICANT  MASTERPLAN NT

DAS table[d a response to comments from the City of Palmerston from the applicant.

Mrs Linda Henning (Masterplan NT) and Mr Mike Schokman (Costojic Pty Ltd) attended.

RESOLVED 73/15

That, the Development Consent Authority vary clauses 6.5.4 (Vehicle Access and On-site Parking for Single Dwellings on Lots less than 600m² in Zone MD), 7.3 (Building Setbacks of Residential Buildings) and 7.3.3 (Side Setbacks for Single Dwellings on Lots less than 600m² in Zone MD), and pursuant to section 53(a) of the Planning Act, consent to the application to develop Lots 12422 and 12432, Town of Palmerston for the purpose of a building setback and on-site parking plan, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans, 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 as follows:

   a) Provide the plan in two or more plans to ensure the smaller areas are shown in more detail,
   b) Include a reference in the legend to allow side by side on-site parking provided the location and size of the vehicle crossover is such that there is adequate provision for one kerbside parking space’;
   c) Remove the reference to ‘Dedicated landscape space within the allotment’ on both the plan and within the legend,
   d) Revise the wording within the legend with regards to carports and garages,
   e) Revise the wording within the legend with regards to zero lot boundary setbacks, and
   f) Any other revisions that may be necessary.

The above changes are to be carried out in consultation with the City of Palmerston and Development Assessment Services, to the satisfaction of the consent authority.

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. The applicant shall demonstrate to the satisfaction of the consent authority how potential purchasers will be informed about the building setback and on-site parking plan as it applies to each lot.

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.

As the proposal is for a building setback and on-site parking plan which will correspond with Development Permit DP15/0096 which was issued in March 2015 for the purpose of a subdivision to create 181 residential lots, 2 public open space lots plus the remaining balance area it is considered that the proposal is consistent with the ultimate intended future use of the land as prescribed by the Northern Territory Planning Scheme.

2. A variation to clause 6.5.4 (Vehicle Access and On-Site Parking for Single Dwellings on Lots Less than 600m² in Zone MD) of the Scheme is granted as the cumulative factors of carports and garages being setback 5.4m and 6m respectively, and the requirement of City of Palmerston for crossovers to be a maximum of 3.5m on residential lots, will ensure that adequate kerbide visitor parking is available and the amenity of the streetscape will be maintained.

4. A variation to clause 7.3 (Building Setbacks of Residential Buildings) of the Scheme to allow a reduced front setback of:

3.0m for lots: 009, 013, 033, 034, 038, 039, 041, 048, 050, 052, 053, 055, 057, 060, 065, 070, 072, 074, 075, 081, 082, 084, 085, 088, 090, 091, 093, 111, 112, 113, 118, 119, 121, 123, 126, 127, 129, 130, 135, 140, 143, 146, 153, 157, 161, 162, 164, 165, 167, 168, 169, 171, 174, 175, 177, 178 and 180;

3.5m for lots: 004, 005, 006, 008, 012, 014, 015, 035, 037, 042, 059, 064, 067, 068, 073, 077, 080, 087, 092, 094, 099, 100, 108, 109, 122, 124, 125, 131, 134, 138, 147, 148, 149, 152, 170, 173 and 181;

4m for lots: 036, 040, 044, 049, 051, 054, 066, 069, 076, 083, 095, 101, 103, 105, 110, 114, 116, 120, 133, 139, 142, 144, 151, 158, 163, 166 and 172,

4.5m for lots: 007, 031, 032, 097, 098, 115, 117, 156, 159 and 179, and

5m for lot 128.

where 6m is required by the Scheme is granted as:

- Varied setbacks has merit in improving the relationship between house and street, and that front setbacks can be used to recede vehicle garaging and present the dwelling to the street. It is considered that this will minimise any adverse effects of building massing when viewed from the street.
- The proposed setback changes will allow for a variety in the streetscape and diversity in housing options in this new estate.

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• In some instances the covenants requirement for carports and garages to be setback at least 5.4m and 6m respectively or at or behind the front of the building whichever is greater creates a higher standard in terms of design and presentation to the street.
• The reduced front setback will make efficient use of the site to enable the appropriate siting and construction of a dwelling, private open space, vehicle access and parking to be achieved in the completed suburb. It is noted that there no change to the requirement of Clause 7.5 (Private Open Space) of the Scheme is being sought.
• Moving the dwellings closer to the street frontage will activate the street and provide additional surveillance of public areas and pedestrian walkways provided that front fencing is not placed in front of these properties.
• The covenant requirement for landscaping to the front of the dwelling will ensure privacy to habitable rooms.
Furthermore, in order to ensure that the design philosophy of the development is understood by purchasers of the land a condition has been included within the recommendations requiring that a copy of the building setback and on-site parking plan is to be provided to land purchases prior to or at the time they purchase the land.

5. A variation to clause 7.3.3 (Side Setbacks for Single Dwellings on Lots less than 600m² in Zone MD) of the Scheme is to allow a gap in some instances of 0.3m between the dwelling and the boundary where 0m gap is required by clause 7.3.3 is granted as:

• A corresponding 1.5m setback on the adjacent site is required to ensure that there will be sufficient separation so as to avoid small gaps which may unduly impact on the amenity of adjacent development and the streetscape.

6. 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 building setbacks and on-site parking plan establishes the setbacks and on-site parking arrangements for the subdivision approved through Development Permit DP15/0096. Given the subdivision creates residential lots ranging from 300m² to 4151m² and has yet to be commenced, the plan specifically considers the existing and future amenity of the area by establishing setbacks and car parking arrangements that allow for a variety in the streetscape and diversity in housing options in this new estate.

ACTION: Notice of Consent and Development Permit
CHANGE OF USE FROM OFFICE TENANCY TO LEISURE AND RECREATION (GYMNASIUM)
LOT 1219 (15) TEMPLE TERRACE, TOWN OF PALMERSTON
APPLICANT
NORTHERN PLANNING CONSULTANTS

Mr Brad Cunnington (Northern Planning Consultants), Mr Dylan Dale (Ifitness) and Mr Claudio Di Somma (Ifitness) attended.

RESOLVED
74/15

That, the Development Consent Authority grant a reduction to the parking requirements of clause 6.5.1 (Parking Requirements) through clause 6.5.2 (Reduction in Parking Requirements) from 464 parking spaces to 426 parking spaces (a reduction of 38), and pursuant to section 53(a) of the Planning Act, consent to the application to develop Lot 1219 (15) Temple Terrace, Town of Palmerston for the purpose of a change of use of part of a tenancy from office to leisure and recreation (24 hour gymnasium), subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings numbered 2015/0002/01 to 2013/0002/03 endorsed as forming part of this permit.

2. 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.

3. 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.

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

5. The use and development as shown on the endorsed plans must not be altered without the further consent of the consent authority.

6. Structured classes are not to take place between the hours of 16:30 and 18:30 Monday to Friday or 12:00 and 13:00 on Saturdays 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 use of the tenancy as leisure and recreation (24 hour gymnasium) must not be altered without the further approval of the consent authority.

REASONS FOR THE DECISION

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

   It is noted that the purpose of SP1 (Specific Use Palmerston 1) is to “facilitate the use and development of the land for the purpose of a shopping centre with ancillary services”. The change of use of part of a tenancy from office to leisure and recreation (gymnasium) is in accordance with the purpose of the zone.

2. A reduction in the parking requirements for the development under clause 6.5.2 (Reduction in Parking Requirements) is determined having considered all the relevant matters specified in clause 6.5.2 and having particular regard to the proposed use proposed use and development and the analysis contained in the MRY Parking Assessment Report dated 28 April 2015. A reduced generation rate for the use is considered appropriate with 426 spaces required where 464 would otherwise have been generated by clause 6.5.1.

3. The gym will be operated as an i-fitness facility and will be available 24 hours a day. Having considered this and the parking generation rates for the gym the authority has determined that the requirement for there to be no structured classes between the hours of 16:30 and 18:30 Monday to Friday or 12:00 and 13:00 on Saturdays ensures that there will be no significant peak in attendance coinciding with the peak demand period for the existing retail and medical tenancies on the site.

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.

   There is considered to be minimal impact as the tenancy is located wholly within the existing building.

ACTION: Notice of Consent and Development Permit
ITEM 8  
PA2014/0919

CONCURRENT APPLICATION - REZONE PART LOT 11498 (15) MALUKA DRIVE FROM ZONE CB (CENTRAL BUSINESS), HR (HIGH DENSITY RESIDENTIAL), MD (MULTIPLE DWELLING RESIDENTIAL), PS (PUBLIC OPEN SPACE) TO ZONE CB (CENTRAL BUSINESS), HR (HIGH DENSITY RESIDENTIAL), MR (MEDIUM DENSITY RESIDENTIAL) AND A SPECIFIC USE ZONE AND SUBDIVIDE LOTS 10011 & 11498 TO CREATE 12 LOTS 
LOT 10011 (98) MILLER COURT & LOT 11498 (15) MALUKA DRIVE, TOWN OF PALMERSTON

APPLICANT  
ELTON CONSULTING

Ms Wendy Smith (Elton Consulting), Mr Clete Ryan (Sitzler) and Mr Cameron Bowes (Development Manager, MiBro – developers) attended.

RESOLVED  
75/15

Pursuant to section 30P(1)(a) 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 determine to consent to the application to develop Lot 11498 (15) Maluka Drive, Town of Palmerston and Lot 10011 (8) Miller Court, Town of Palmerston, for the purpose of a subdivision to create 12 lots, under section 30W(1)(a) 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 the provision for direct pedestrian and cyclist access to the Roystonea Avenue cycle path from Road A and D, to the requirements of the Department of Transport, to the satisfaction of the consent authority.

2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a schematic plan demonstrating the on-site collection of stormwater and its discharge into the local stormwater drainage system shall be submitted to and approved by the City of Palmerston or Department of Transport as the case may be, to the satisfaction of the consent authority. The plan shall include details of site levels and Council’s and Department of Transport’s stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and be discharged to City of Palmerston’s and Department of Transport’s stormwater system including during minor and major storm events.

3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to provide written advice from the Department of Transport confirming that:
• the proposed left-in, left out arrangement onto Roystonea Avenue has been approved, and
any services or service connections within NT Government controlled road reserves has been approved.

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 Land Resource Management, and an endorsed copy of the Plan will form part of this permit. 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 treatments for minimising erosion and sediment loss from the site during both the clearing and establishment phases. Information regarding erosion and sediment control and ESCP content is available at www.austieca.com.au and the DLRM website: http://lrm.nt.gov.au/soil/management.

GENERAL CONDITIONS

5. Works carried out under this permit shall be in accordance with the plans 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. 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.

8. All proposed roads and public open space reserves to be created on the plan of subdivision submitted for approval by the Surveyor General must be dedicated to the relevant Northern Territory or local government authority.

9. An appropriate truncation, to be determined in consultation with the Department of Transport, is to be provided to the property boundaries of proposed lot 4 at the intersection of proposed Road C with the Roystonea Avenue road reserve.

10. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity supply and telecommunications to each lot shown on the endorsed plan in accordance with the authorities’ requirements and relevant legislation at the time.

11. Stormwater drainage shall be wholly contained within the site and discharged into the local stormwater system to the standards and approval of Transport Infrastructure Division, Department of Transport and/or Palmerston City Council as the case may be. All proposed lots fronting Roystonea Avenue shall be graded such that the stormwater run-off from the properties is away from
the road and is able to be collected within the development area and appropriately discharged into the local stormwater system.

12. Where unfenced, the Roystonea Avenue frontage is to be appropriately fenced in accordance with the Department of Transport’s standards and requirements to deter unauthorised vehicular and/or pedestrian movement.

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

14. Landscaping and development of open space (lot 10011 Town to Palmerston) and streets/roads shall be designed and constructed to the requirements of City of Palmerston and/or the 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.

15. 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 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.

16. All proposed work (including provision of services) within, or impacting upon the Roystonea Avenue shall 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 Chief Executive, Department of Transport. Drawings must be submitted to the Director Roads for Road Agency approval, Department of Transport, irrespective of approvals granted by other Authorities. No works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".

17. Upon completion of any works within or impacting upon the Roystonea Avenue or other NT Government controlled road reserves, the road reserves shall be rehabilitated to the standards and requirements of the Department of Transport.

18. Prior to the issue of Part 5 clearance, the developer shall have carried out, as part of the subdivision works, and in accordance with AS3671-1989, “Acoustics – Road Traffic Noise Intrusion – Building Siting and Construction” an assessment by a suitably qualified person of the development’s present and predicted future exposure to road traffic noise levels, and where required provide appropriate noise attenuation measures, on the advice of the Department of Transport and to the satisfaction of the consent authority. All noise attenuation works deemed necessary shall be carried out by and at the full cost of the developer and shall be wholly contained (including foundations) within the subject lot. All noise attenuation works deemed necessary, either by building materials and design or lot layout, shall be carried out by and at the full cost to the developer and shall be wholly contained within the subject lot.
19. The Roystonea Avenue verge fronting the subdivision area is to be topdressed, grassed and landscaped consistent with the Department’s standards and approval.

20. 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. This includes ensuring that all wheels, tracks and body surfaces are free of mud and other contaminants before entering onto the sealed road network. Where tracked/dropped material on the road pavement becomes a potential safety issue, the developer will be obliged to clean material off the road in an environmentally responsible manner.

NOTES:

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

2. The Developer, his Contractor or Service Provider is required to obtain a “Permit to Work within a Road Reserve” from the Manager Road Operations, Road Projects Division, Department of Construction and Infrastructure (2nd Floor, Highway House, Palmerston) prior to the commencement of any works within the Roystonea Avenue road reserve.

3. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities.

4. All new roads are required to be named under the Place Names Act. You should immediately make application to the Place Names Committee to commence the road naming process. Contact the Place Names Unit on 8995 5333 or placenames.dpi@nt.gov.au. Further information can be found at http://www.placenames.nt.gov.au.

5. The Department of Land Resource Management (DLRM) advises that Typhonium praetermissum has been identified on lot 10011 in three locations and is listed as vulnerable under the Territory Parks and Wildlife Conservation Act. DLRM provide a range of mechanisms to mitigate the risk including:
   - in situ conservation which entails excluding development from the key habitat areas and designating the land for conservation;
   - ex situ entails translocation of the threatened species;
   - offset arrangements.

The Flora and Fauna Division of the Department can provide additional advice about translocation or offset options if these are required.
REASONS FOR DECISION

1. Pursuant to sections 30P(2)(a) and (b) of the Planning Act, the consent authority must take into account any planning scheme that applies to the land to which the application relates and the amendment proposal contained within the application.

The proposal is generally consistent with the requirements of the proposed Scheme amendment and Palmerston City Centre Planning Principles and Area Plan.

A variation to clause 11.2.2 (Infrastructure and Community Facilities in Residential Subdivisions) for the provision of open space to be provided on lot 10011 (approximately 7% of the overall development area) is granted for the following reasons:

- The site is located in and adjacent to the City Centre, where there is a focus on creating high density urban spaces consistent with development normally expected in city centres where ground floor commercial tenancies with shops, restaurants and alfresco dining create vibrant and attractive living spaces for professionals who live and work within walking distance of the area.
- The site is within walking distance of a number of recreational and cultural facilities within the Palmerston CBD, including the recreation centre and basketball stadium, the new Palmerston Water Park, the Palmerston library and the newly developed Coyder Square precinct.
- Open space provided in traditional larger subdivisions cannot always be viably incorporated into urban inner city precincts.
- Communal open space will be provided on individual sites as private open space requirements and compliance with those requirements will be required for all future development applications.
- The shortfall over the whole development area is minor and will not impact, in any real way, on the residential subdivision being integrated with infrastructure, community services and facilities. A variation to clause 11.2.3 (Lot Size and Configuration in Residential Subdivisions) to allow a cul-de-sac adjacent to a Zone MR lot is granted having regard to the analysis contained in the i3 Consultants Traffic Impact Assessment report dated 10 December 2014 which concludes that no adverse traffic impacts are expected either within the proposed development or to existing development as a result of this development proposal, including the provision of lot 6 as MR development.

2. Pursuant to Section 30P(2)(jj) 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 requirement for a conceptual stormwater plan and an Erosion and Sediment Control Plan to be completed prior to commencement of
works will ensure that stormwater management and erosion controls are satisfactorily dealt with in accordance with the requirements of the Department of Transport and City of Palmerston.

RESOLVED 76/15
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.

RESOLVED 77/15
That, pursuant to section 86(1) of the Planning Act, the Development Consent Authority delegates its powers to the Chairman or in the absence of the Chairman any member of the Palmerston Division of the Authority to:

- determine pursuant to Section 30W(1)(a) to consent to the development proposal contained in the concurrent application and consent to the concurrent application after receipt of a notice under Section 30U(1) that the Minister has approved the amendment proposal contained in the application;
- issue a development permit under section 54(1) in relation to the development proposal to develop lot 11498 (15) Maluka Drive, Town of Palmerston and lot 10011 (8) Miller Court, Town of Palmerston, for the purpose of a subdivision to create 12 lots; and
- issue the relevant notices under Section 30Y.

ACTION:
Advice to Applicant

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

DENIS BURKE
Chairman

27/5/15

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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.