



DEVELOPMENT CONSENT AUTHORITY

PALMERSTON DIVISION

MINUTES

MEETING No. 235 – WEDNESDAY 19 AUGUST 2020

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

MEMBERS PRESENT: Suzanne Philip (Chair), Steve Ward, Trevor Dalton, Sarah Henderson and Ben Giesecke

APOLOGIES: Nil

LEAVE OF ABSENCE: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), Ann-Marie Reynolds, Rebecca de Vries and Elissa Gee (Development Assessment Services)

COUNCIL REPRESENTATIVE: Brad Cunnington

Meeting opened at 1145 am and closed at 12 05 pm

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

**PA2020/0185 SHOWROOM SALES AND WAREHOUSE IN TWO SINGLE STOREY BUILDINGS
LOT 15280 (6) PIERSSENE ROAD, YARRAWONGA, TOWN OF PALMERSTON**
APPLICANT/S Bunning Group Ltd c/- Future Urban Pty Ltd

Mr Michael Osborne (Future Urban Pty Ltd) attended.

**RESOLVED
67/20**

That, the Development Consent Authority vary the requirements of Clause 5.2.4.4 (Parking Layout) and pursuant to section 53(a) of the *Planning Act 1999*, consent to the application to develop Lot 15280 (6) Pierssene Road, Town of Palmerston for the purpose of showroom sales and warehouse in two single storey buildings, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the stormwater drainage system shall be submitted to and approved by the Transport Civil Services Division of the Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority. The plan shall include details of site levels and stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to the Transport Civil Services Division of the Department of Infrastructure, Planning and Logistics drainage system.
2. Prior to the commencement of any works, engineering design plans for vehicle parking, pedestrian / cycle corridors, crossings and access points must be submitted to and approved by the City of Palmerston, to the satisfaction of the consent authority.
3. Prior to the commencement of any works, a Construction Traffic Management Plan (detailing all appropriate site management measures, including construction access, proposed haulage routes, vehicle types, protection of existing assets, protection of public access and a risk assessment) and/or an Operational Traffic Management Plan (detailing access routes, vehicles types and other relevant matters) shall be submitted to the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority.

GENERAL CONDITIONS

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

5. The development must proceed in the order of stages as shown on the endorsed plans unless otherwise agreed in writing by the consent authority. This includes ensuring the landscaping is completed so it aligns with the boundaries of the relevant stage.
6. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities, to the development in accordance with the authorities' requirements and relevant legislation at the time.
7. 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.
8. 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.
9. Appropriate erosion and sediment control measures must be effectively implemented throughout the construction phase of the development (including clearing and early works) and all disturbed soil surfaces must be satisfactorily stabilised against erosion at completion of works, to the satisfaction of the consent authority.
10. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to City of Palmerston and/or the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics (as the case may be), to the satisfaction of the consent authority
11. Any reinstatement works required as a result of any damage caused to infrastructure or landscaping must be undertaken by the developer, to the technical standards of and at no cost to the City of Palmerston, to the satisfaction of the consent authority. This includes grassing the verge between the property boundary and the kerb.
12. Upon completion of any works within or impacting upon the Stuart Highway road reserve, the road reserve shall be rehabilitated to the standards and requirements of the Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority.
13. The waste storage areas are to be appropriately screened, and designed in accordance with the requirements of City of Palmerston, to the satisfaction of the consent authority.
14. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into the City of Palmerston and/or the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics (as the case may be) drains or to any watercourse.
15. Access to the development is to be via the internal access network only, as shown on the drawings endorsed as forming part of this permit.

16. Where unfenced, the Stuart Highway frontage is to be appropriately fenced in accordance with the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics standards and requirements to the satisfaction to the consent authority.
17. 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 material on the road pavement becomes a potential safety issue, the Developer will be obliged to sweep and clean material off the road to the requirements of the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority.
18. 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.
19. 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.
20. Any flood lighting or security lighting provided on site is to be shielded in a manner to prevent the lighting being noticeable or causing nuisance to Stuart Highway traffic.
21. All proposed work (including the provision or connection of services) within, or impacting upon the Stuart Highway road reserve shall be in accordance with the standards and specifications of the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics. Design documents must be submitted to the Director Corridor Management, Transport and Civil Services Division for Road Agency Approval and no works are to commence prior to gaining approval.

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (powerdevelopment@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. A "Permit to Work Within a Road Reserve" may be required from Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics before commencement of any work within a road reserve.
3. There are statutory obligations under the *Waste Management and Pollution Control Act 1998* (WMPCA) that require all persons to take all measures that are reasonable and practicable to prevent or minimise pollution or environmental harm and reduce the amount of waste. The proponent is required to comply at all times with WMPCA, including the General

Environmental Duty under Section 12. Guidelines to assist proponents to avoid environmental impacts are available on the Northern Territory Environment Protection Authority website at <http://ntepa.ntg.gov.au/waste-pollution/guidelines/guidelines>. The proponent is advised to take notice of the attached Schedule of Environmental Considerations. WMPCA, administered by the Northern Territory Environmental Protection Authority, is separate to and not reduced or affected in any way by other legislation administered by other departments or authorities.

4. For the purposes of best practice land management and environmental protection, it is recommended that a Type 1 Erosion and Sediment Control Plan (ESCP) be developed in accordance with best practice principles. The ESCP should be prepared prior to commencement of works and implemented during the construction phase (including clearing and early works); and all disturbed soil surfaces should be satisfactorily stabilised against erosion at completion of works. Information resources are available on the IECA website www.astieca.com.au and the Department of Environment and Natural Resources ESCP Standard Requirements 2019 and Land Management Factsheets are available at <https://nt.gov.au/environment/soil-land-vegetation>. For further advice, contact the Land Development Coordination Branch on 08 8999 4446.
5. Notwithstanding the approved plans, all signage is subject to City of Palmerston Council approval, at no cost to Council.

REASONS FOR THE DECISION

1. Pursuant to section 51(1)(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The proposal is for showroom sales and warehouse uses which are generally permitted under the Northern Territory Planning Scheme 2020. The development application seeks a minor variation to the development requirements of Clause 5.2.4.4 (Parking Layout), being a reduction to the length of car parking bays by 0.1m. The variation is considered acceptable given that it is compliant with the Australian Standards and that the width of the two-way access to each parking bay is greater than the width required, and therefore able to compensate for this difference.

All other aspects of the Northern Territory Planning Scheme have been satisfied.

At the meeting, the applicant requested the condition precedent relating to a stormwater management plan to the satisfaction of the City of Palmerston be removed from the recommended conditions as a stormwater management plan was submitted as part of the application material and the conditions outlined in City of Palmerston written submission did not request a condition precedent relating to stormwater management.

Noting the applicant's comments and the City of Palmerston's written submission in relation to stormwater management, the Authority considers removing the requirement to submit a stormwater management plan to the City of Palmerston from the condition precedent reasonable given the general condition relating to stormwater management will remain. This change corresponds with the requirements outlined in the City of Palmerston's written submission.

2. Pursuant to section 51(1)(j) of the *Planning Act 1999*, 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 land is considered capable of supporting the proposed development. This is reflected in previous approvals granted for the development of the site and adjacent uses.

3. Pursuant to section 51(1)(n) of the *Planning Act 1999*, 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 proposal improves the amenity of the area through a clear and legible site layout and provides landscaping to soften the industrial nature of the area when viewed from the Stuart Highway. The assessment has also found that the proposal provides an adequate number of parking bays and space for vehicle manoeuvring, and has incorporated opportunities for pedestrian connectivity within and across the site. Shading is provided along the front façade of each building for pedestrians. Based on this, the proposal is considered to have merits that warrant the development being considered favourably.

FOR: 5

AGAINST: 0

ABSTAIN: 0

ACTION:

Notice of Consent and Development Permit

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

SUZANNE PHILIP
Chair

20 August 2020