



# DEVELOPMENT CONSENT AUTHORITY

## PALMERSTON DIVISION

### MINUTES

**MEETING No. 267 – FRIDAY 16 AUGUST 2024**

**AGORA ROOM  
HUDSON BERRIMAH  
4 BERRIMAH ROAD  
BERRIMAH**

**MEMBERS PRESENT:** Suzanne Philip (Chair), Trevor Dalton, Elisha Harris and Sarah Henderson

**APOLOGIES:** Athina Pascoe-Bell

**LEAVE OF ABSENCE:** None

**OFFICERS PRESENT:** Elya Sugg (Acting Secretary), Julie Hillier, David Burrow, Breanna Lusty and Daniel Herlihy (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Chris Tickner

**Meeting opened at 10:15am and closed at 10:45am**

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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 TIME DURING THE MEETING AND INVITEES ARE PRESENT FOR THE EVIDENTIARY STAGE ONLY.

**ITEM 1**                    **DWELLING-MULTIPLE (12 X 3 BEDROOM, 12 X 2 BEDROOM AND 3 X 1**  
**PA2024/0125**           **BEDROOMS) IN 1 X 3 STOREY BUILDING**  
**UNIT 13892 (COMMON PROPERTY) & UNIT 13889 (APT 3) (11) TARAKAN**  
**COURT, JOHNSTON, TOWN OF PALMERSTON**

**APPLICANT**           Kelvin Bruce Baldey

Pursuant to section 97 of the Planning Act 1999, Elisha Harris, independent member of the Darwin Division of the Development Consent Authority disclosed a potential conflict of interest at the meeting of the Division. The Chair determined the interest to be insignificant and allowed the member to be presented, contribute and take part in the deliberation and decision of the Division.

Applicant: Kelvin Bruce Baldey attended.

**RESOLVED**            That, the Development Consent Authority vary the requirements of Clauses  
**31/24**                    5.2.4.4 (Layout of car parking areas), 5.4.3 (Building Setbacks of Residential  
Buildings), and 5.4.8.2 (Building Design for Dwelling-multiple) of the Northern  
Territory Planning Scheme 2020, and pursuant to section 53(a) of the *Planning  
Act 1999*, consent to the application to develop Unit 13892 (Common  
Property) and Unit 13889 (Apt 3) (11) Tarakan Court, Johnston, Town of  
Palmerston for the purpose of dwelling-multiple (12 x 3 bedroom, 12 x 2  
bedroom and 3 x 1 bedrooms in 1 x 3 storey building, subject to the following  
conditions:

### CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works, 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 must be generally in accordance with the plans submitted with the application but modified to show:
  - (a) Sealed vehicle access from Tarakan Court to the proposed development.
2. 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 City of Palmerston stormwater drainage system, or an alternate approved connection shall be submitted to and approved by the City of Palmerston and the Land Development Unit, Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority.
3. Prior to the endorsement of plans and prior to the commencement of works, the applicant must specify on the plans the specific building treatments included to achieve the maximum recommended design sound

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levels of the Australian Standard AS2107-2000 'Acoustics – Recommended design sound levels for reverberation times for building interiors,' to the satisfaction of the consent authority.

4. Prior to the endorsement of plans and prior to the commencement of works, a traffic impact assessment report is to be prepared by a suitably qualified traffic engineer, identifying any necessary upgrades to the surrounding street network 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.
5. Prior to the commencement of works, in principle approval from the City of Palmerston is required for the access to the site, to the satisfaction of the consent authority.
6. Prior to the commencement of works, details of waste servicing shall be submitted to and approved by the City of Palmerston, to the satisfaction of the consent authority.

### GENERAL CONDITIONS

7. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
8. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage, electricity services and telecommunications to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time. Please refer to notation 1 for further information.
9. 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.
10. 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.
11. Confirmation shall be provided to Development Assessment Services (in the form of an email addressed to the Power and Water Corporation) from a suitable qualified professional confirming that all new number labels have been correctly installed at the Customer's Metering Panel(s) and water meters (where applicable). Please provide a copy of an email addressed to both [landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au) and [powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)
12. Prior to the use/occupation of the development and connection of services (i.e. power and water), the owner of the land must apply for street addressing from the Surveyor-General of the Northern Territory. This will form the legal address and will be required to be placed on the meters

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within the development in accordance with the allocation. An Occupancy Permit will not be able to be granted until such time as addressing is obtained.

13. 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.
14. 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.
15. 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 Land Development Unit, Department of Infrastructure, Planning and Logistics, 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.
17. 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, in accordance with the requirements of City of Palmerston, to the satisfaction of the consent authority.
18. Before the occupation of the development, the applicant is to demonstrate the building treatments to meet the maximum recommended design sound levels of the *Australian Standard AS2107-2000 Acoustics – Recommended design sound levels for reverberation times for building interiors* have been constructed, to the satisfaction of the consent authority.
19. All works recommended by the traffic impact assessment report are to be completed 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.
20. No temporary access for construction purposes shall be permitted from the Stuart Highway road reserve. Construction and delivery vehicles shall not be parked on the Stuart Highway road reserve.
21. Any proposed work (including the provision or connection of services) within, or impacting upon the Lambrick Avenue road reserve shall be in accordance with the standards and specifications of the Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics. Design documents must be submitted to the Director Corridor Management, Transport and Civil Services Division for Road Agency

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Approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".

22. Upon completion of any works within or impacting upon the Lambrick Avenue road reserve, the road reserve shall be rehabilitated to the standards and requirements of the Department of Infrastructure, Planning and Logistics.
23. The developer shall have carried out, as part of stage 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 to the satisfaction of the 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.
24. 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 drivewaysto the satisfaction of the consent authority.  
Car parking spaces, access lanes and driveways must be kept available for these purposes at all times.
25. 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 and from view of neighbouring or nearby developments (or developments reasonably anticipated), 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. The use of angled louvered slats for screening purposes is acceptable, however the slat screening must be designed with a panel to gap ratio, such that the condenser units are not readily visible from any angle.
26. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the consent authority.
27. 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.

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28. 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.
29. 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.

### NOTES

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([waterdevelopment@powerwater.com.au](mailto:waterdevelopment@powerwater.com.au)) and Power Network Engineering Section ([powerdevelopment@powerwater.com.au](mailto: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 onsite and/or surrounding infrastructure.
2. The Surveyor-General advises you should immediately make application for unit/street addresses to the Survey and Land Records unit on (08) 8995 5346 ([surveylandrecords@nt.gov.au](mailto:surveylandrecords@nt.gov.au)).
3. A "Permit to Work Within a Road Reserve" may be required from City of Palmerston before commencement of any work within the road reserve.
4. There are statutory obligations under the *Waste Management and Pollution Control Act 1998* (the Act), 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 the Act, including the General Environmental Duty under Section 12 of the Act. There is also a requirement to obtain an authorisation prior to conducting any of the activities listed in Schedule 2 of the Act.

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 Act, administered by the Northern Territory Environment Protection Authority, is separate to and not reduced or affected in any way by other legislation administered by other Departments or Authorities. The Environment Operations Branch of the Environment Division may take enforcement action or issue statutory instruments should there be non-compliance with the Act.

5. All land in the Northern Territory is subject to the *Weeds Management Act 2001* (WM Act). The WM Act describes the legal requirements and responsibilities that apply to owners and occupiers of land regarding declared weeds. Section 9 general duties include the requirement to take all reasonable measures to prevent land being infested with a declared weed

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and to prevent a declared weed from spreading. There are additional duties including a prohibition on buying, selling, cultivating, moving or propagating any declared weed and the requirement to notify the Weed Management Branch of a declared weed not previously present on the land within 14 days of detection. Should you require further weed management advice contact the weed management branch by phone on (08) 8999 4567 or by email to [weedinfo@nt.gov.au](mailto:weedinfo@nt.gov.au).

6. Any floodlighting or security lighting provided on site is to be shielded in a manner to prevent the lighting being noticeable or causing nuisance to Lambrick Avenue traffic.
7. This development permit is not an approval to undertake building work. You are advised to contact a Northern Territory registered building certifier to seek a building permit as required by the Northern Territory *Building Act 1993* before commencing any demolition or construction works.
8. Any proposed works which fall within the scope of the *Construction Industry Long Service Leave and Benefits Act 2005* 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](mailto:info@ntbuild.com.au)) or by phone on (08) 89364070 to determine if the proposed works are subject to the Act.

### REASONS FOR THE RECOMMENDATION

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 NT Planning Scheme 2020 applies to the land and dwelling-multiple requires consent under Clause 1.8 (When development consent is required). It is identified as *Merit Assessable* under Clause 1.8(1)(b)(ii)(2), therefore the zone purpose and outcomes of Clause 4.4 Zone MR (Medium Density Residential), and Clauses 5.2.1 (General Height Control), 5.2.4 (Car Parking), 5.2.6 (Landscaping), 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures), 5.4.4 (Extensions and Structures Ancillary to a Dwelling-group or Dwelling-Multiple Development), 5.4.6 (Private Open Space), 5.4.7 (Communal Open Space), 5.4.8 (Residential Building Design), 5.4.17 (Building Articulation), 5.4.18 (Fencing), and 5.4.19 (Residential Plot Ratio) need to be considered.

These clauses have been considered and it is found that the proposal complies with the relevant requirements of the Planning Scheme except for Clauses 5.2.4.4 (Layout of car parking areas), 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures), and 5.4.8.2 (Building Design for Dwelling-multiple).

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2. Pursuant to Clause 1.10 (Exercise of Discretion by the Consent Authority), subclause 5 of the NT Planning Scheme 2020, the consent authority may consent to a proposed development which is not in accordance with a requirement set out in Parts 3, 5 or 6 only if it is satisfied that the variation is appropriate having regard to:
- The purpose and administration clauses of the requirement; and
  - The considerations listed under Clause 1.10(3) or 1.10(4).

It is considered that a variation to the affected clauses is appropriate in this instance because:

### Clause 5.2.4.4 Layout of car parking areas

The purpose of this clause is to, *ensure that a car parking area is appropriately designed, constructed and maintained for its intended purpose.* The proposal has been found not to be in accordance with Clause 5.2.4.4 as the plans include a 1.2m setback from Lambrick Avenue to car parking spaces, when a 3m setback and landscaping is required. Administratively, the consent authority may vary this requirement, “...if it is satisfied that the non-compliance will not unreasonably impact on the amenity of the surrounding locality.”

The proposed car parking area would be located behind an existing 2.5m blockwork wall, and will not be visible from the affected frontage. Subsequently, no unreasonable impact on the amenity of the locality is expected. Landscaping is also proposed within the 1.2m setback.

### Clause 5.4.3 Building Setbacks of Residential Buildings and Ancillary Structures

The purpose of this clause is to, *Ensure that residential buildings and ancillary structures are located in a manner that:*

- is compatible with the streetscape and surrounding development including residential buildings on the same site;*
- minimises adverse effects of building massing when viewed from adjoining land and the street;*
- avoids undue overlooking of adjoining properties; and*
- facilitates breeze penetration through and between buildings.*

The proposal complies with all building setback requirements except for the secondary street setback to Lambrick Avenue and the rear boundary setback (western boundary).

A 4.5m setback to Lambrick Avenue and a 3m setback to the rear boundary is required for residential buildings and ancillary structures. The following setbacks are proposed:

- 1.2m setback to the carport from a secondary street (0.9m to the carport roof where 2.1m is required); and
- 1.6m setback to the main building from the rear boundary.



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Administratively, the consent authority may consent to a development that is not in accordance with this requirement, only “...if it is satisfied that the reduced setback is consistent with the purpose of this clause and it is appropriate to the site having regard to such matters as its location, scale and impact on adjoining and nearby property.”

The site has an existing 2.5m boundary fence constructed along its frontage with Lambrick Avenue, partially obscuring any direct views of the proposed development. The carport height nearest the fence is also 2.5m in height, increasing to 3.2m. A bin enclosure is also located within the setback, however it is contained within the carport structure and wholly obscured by the existing fence. Subsequently, the carport and bin enclosure are unlikely to cause any undue impact on any adjoining or nearby property. Landscaping is also proposed within the 1.2m setback.

The reduced setback in the rear/western boundary is limited to a corner of the main building. Subsequently, the proposed development is considered unlikely to cause any undue impact on any adjoining or nearby properties from building massing, breeze penetration or overlooking.

### Clause 5.4.8.2 Building Design for Dwelling-multiple.

The purpose of this clause is to, “Promote site-responsive design of dwellings-multiple that provides a sympathetic interface with the streetscape and surrounding dwellings, is climatically appropriate and provides a pleasant living environment for the occupants.”

The proposal complies with all requirements of this clause except sub-clause 13. All units except Units 1, 5, 7 and 23 are assessed as not meeting requirement 13, below:

“13. Balconies are to provide at least: (a) One side without an external wall; and (b) One side without an external wall for more than 50% of the length of that side.”

Administratively, the consent authority may consent to a development that is not in accordance with this requirement, only “...if it is satisfied that the balcony design allows for sufficient breeze penetration and limits the appearance of building massing when viewed from the public domain”.

Whilst the balconies to units 2, 3, 4, 6 and 8 - 22 are enclosed on either end by solid walls rather than achieving 50% open to one side, each balcony is substantially larger than the minimum 12m<sup>2</sup> private open space required, each providing at least 18m<sup>2</sup>. Most balconies propose a corner design with a large opening, facilitating breeze penetration within the building. Any unit with an external wall proposes 2.3m x 0.9m adjustable solid louvers. This includes units 8-13 17-23 and 27. The balcony balustrades incorporate a mixture of levels of permeability that balance pleasant views while maintaining privacy. The building is compliant with all other setbacks except in the north western corner.

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Overall the balcony design allows for sufficient breeze penetration and sufficiently limits the appearance of building massing when viewed from the public domain.

The considerations listed under Clause 1.10(4) have been given regard to and it has been found that the proposal complies with all relevant requirements of the NT Planning Scheme 2020, except for the Clauses as identified above.

3. 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 has no identifiable land capability issues that would impact on the development.

4. Pursuant to section 51(1)(m) of the *Planning Act 1999*, the consent authority must consider the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities, and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose.

The application was referred to the relevant service authorities and subsequent comments have been addressed by way of standard conditions and/or notations on the Development Permit as appropriate.

The Transport and Civil Services Division (TCSD), Department of Infrastructure, Planning and Logistics requested a Transport Impact Report in accordance with the *Austroad Guide to Traffic Management Part 12 Integrated Transport Assessment for Development*.

At the meeting, Mr Baldey, representing the Applicant, recorded their disagreement with the requirement for a Traffic Impact Report. The consent authority noted that the requirement for a traffic impact assessment to be undertaken for such development was consistent with similar Development Permits, and determined to keep the requirement requested by TCSD as a condition of any subsequent Development Permit.

In addition, Mr Baldey also queried the reference to “including foundations” in Condition 22. This condition was requested by TCSD. The consent authority does not consider the inclusion of footings within the wording of the condition to detract from the purpose of the condition. Subsequently, the consent authority determined to keep the condition’s wording as requested by TCSD.

At the meeting, Mr Tickner, representing City of Palmerston, reiterated comments made in its submission, noting that the sequencing/staging of the whole Lot was not secured within the Development Permit. The absence of a staging plan or Development Permit for the whole of the Lot raised

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concerns of potential complexities with coordinating the provision of infrastructure and/or services. In particular, the provision of sealed vehicle access way to the proposed development relied upon other development permits being undertaken first. To mitigate the risk of these other development permits not being completed prior to the proposed development being constructed, the consent authority determined to include a condition precedent requiring amended plans showing a complete sealed access from Tarakan Court to the proposed development prior to the endorsement of plans.

5. 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.

Whilst the development will result in a change to the appearance of the site, it is consistent with that expected in Zone MR (Medium Density Residential) as a *Merit Assessable* development, including the overall height, scale and residential use proposed. The development is noted as being similar in scale and appearance to the existing 4 storey building within the same unit complex and what was approved through DP23/0304 in 2023. Overall the development is not anticipated to adversely impact the existing or future amenity of the area.

**FOR: 4**

**AGAINST: 0**

**ABSTAIN: 0**

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

**ITEM 2**  
**PA2024/0156**

**HOTEL/MOTEL WITH GROUND LEVEL OFFICES WITHIN A 3 STOREY BUILDING**  
**LOT 10024 (7) PALMERSTON CIRCUIT, PALMERSTON CITY, TOWN OF PALMERSTON**

**APPLICANT**

One Planning Consult

Applicant: Israel-Tshepo Kgosiemang apology.

Pursuant to section 97 of the *Planning Act 1999*, Sarah Henderson, community member of the Darwin Division of the Development Consent Authority, disclosed an interest and was not present during, contributed to or took part in the deliberations or decision of the Division in relation to Item 2.

**RESOLVED**  
**32/24**

That, pursuant to section 46(4)(b) of the *Planning Act 1999*, the Development Consent Authority defer consideration of the application to develop Lot 10024 (7) Palmerston Circuit, Palmerston City, Town of Palmerston for the purpose of a hotel/motel with ground level offices within a 3 storey building to allow the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

- Confirmation from Power and Water (Water services) that the proposed development can be constructed on and/or adjacent its easement.

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- Further information on the operations of the proposed hotel/motel, including staff numbers and anticipate hours of operation for the dining area.
- Further information and/or amended plans demonstrating better compliance with the Northern Territory Planning Scheme 2020 (NTPS 2020) including:
- Clause 5.2.4.4 *Layout of car parking areas* that requires a functional car parking area, including swept path diagrams demonstrating that the loading bay and car parking area is sufficient, safe and functional.
- In addition, sub-clause 8 requires car parking spaces to be 2.5 metres wide measured from the outside of each column.
- Clause 5.2.5 *Loading Bays* that requires the provision of loading bays, or further justification for the proposal's lack of adequate loading bays.
- Clause 5.2.6.2 *Landscaping in Zone CB*, that requires landscape planting equivalent to 10% of the site or provide justification for the undersupply of landscape planting.
- Clause 5.3.7 *End of Trip Facilities in Zones ...CB...*, that requires bicycle parking facilities be easily accessible from the road and not via steps, or provide justification for the lack of bicycle parking facilities.
- Clause 5.5.15 *Design in Commercial and Mixed Use Areas*, that requires lift shafts be located away from habitable rooms or demonstrate the use of other noise attenuation measures.
- Clause 5.9.3.2 *Volumetric Control*, that requires that any verandah, balcony, or window not facing a street or public open space to be setback a minimum of 6m from the site boundary, or provide further justification for a reduced setback.

### REASONS FOR THE RECOMMENDATION

1. Pursuant to section 46(4)(b) of the *Planning Act 1999*, if the consent authority considers additional information is necessary to enable it to consider the application properly, it may require the applicant to provide the information.
2. 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 NT Planning Scheme 2020 applies to the land and hotel/motel requires consent under Clause 1.8 (When development consent is required). It is identified as Merit Assessable under Clause 1.8(1)(b)(i), therefore zone purpose and outcomes of Clause 4.10 (Zone CB – Central Business) and Clauses 5.2.1 (General Height Control), 5.2.4 (Car Parking), 5.2.4.4 (Layout of car parking areas), 5.2.5 (Loading Bays), 5.2.6 (Landscaping), 5.2.6.2 (Landscaping in Zone CB), 5.3.7 (End of Trip Facilities in Zones HR, CB, C, SC and TC), 5.5.15 (Design in Commercial and Mixed Use Areas), 5.5.16 (Active Street Frontage) and 5.9.3 (Palmerston City Centre) need to be considered.

These clauses have been considered and it was found that further information/amended plans are required to show better compliance with

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the Northern Territory Planning Scheme 2020 (NTPS 2020) as discussed below:

### 5.2.4.4 (Layout of car parking areas)

*The purpose of Clause 5.2.4.4 (Layout of car parking areas) is to ensure that a car parking area is appropriately designed, constructed and maintained for its intended purpose.*

*sub-clause 8 requires that the layout of a car parking area is to:*

*(c) be in accordance with the dimensions set out in the diagram to this clause*

The diagram to this clause requires that a car parking space is to be 2.5 metres wide.

The proposal does not comply with sub-clause 8 because the car parking spaces of car parks 4, 7, 13, 17, 20, 23, 26, 30, 33 and 36 have widths of 2.4 metres where 2.5 metres is required.

*Administratively, the consent authority may consent to a car parking area that is not in accordance with sub-clauses 7 and 8 if it is satisfied that the design and construction is safe and functional with regard to the location of the development.*

The consent authority requests further information to show greater compliance with the NTPS 2020, including

- Car parking spaces that comply with NTPS 2020 standards of 2.5 metre widths and
- Swept path diagrams to show that the car park design is sufficient, safe and functional.

### 5.2.5 (Loading Bays)

*The purpose of clause 5.2.5 (Loading Bays) is to provide for the loading and unloading of vehicles associated with the use of land.*

*Sub-clause 3 requires that the use and development is to include provision of a minimum number of loading bays in accordance with the table to this clause (rounded up to the next whole number).*

The application proposes that *the proposed uses do not require delivery of goods by big trucks/vehicles and car park number 14 can be used interchangeably as a loading bay when required.*

*Administratively, the consent authority may consent to a use or development that is not in accordance with subclauses 3 and 4 only if it is satisfied sufficient, safe and functional loading areas are available to meet the needs of the use with regard to:*

- (a) the scale of the use and development on the site;*
- (b) any potential adverse impacts on the local road network; and*
- (c) any agreements for off-site loading and unloading of vehicles, such as shared loading areas or approval to carry out loading activities in a laneway or secondary street.*

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The consent authority requests further information to show greater compliance with the NTPS 2020, including:

- the location and dimensions of a dedicated loading bay.
- swept path diagrams demonstrating that the loading bay would be sufficient, safe and functional.

### 5.2.6.2 (Landscaping in Zone CB)

*The purpose of Clause 5.2.6.2 (Landscaping in Zone CB) is to ensure developments within central business districts minimise heat capture and enhance the visual amenity of the area when viewed from the street or from surrounding buildings.*

Sub-clause 3 requires that *development in Zone CB is to provide areas of landscape planting equivalent to 10% of the site area.*

The proposal does not comply because the development provides a total of 79.19m<sup>2</sup> of landscape planting which equals 5% of the site area.

Administratively, *the consent authority may consent to a development that is not in accordance with sub-clause 3 if:*

- it is a small development and the consent authority is satisfied that it would be unreasonable to provide the required landscaping, having regard to the intended use of the development or whether the development would become unfeasible; or*
- the development provides an alternative response to achieve the purpose of this clause.*

The consent authority requests further information to show greater compliance with the NTPS 2020, including:

- 10% of the site area incorporating landscape planting.

### 5.3.7 (End of Trip Facilities in Zones HR, CB, C, SC and TC)

*The purpose of Clause 5.3.7 (End of Trip Facilities in Zones HR, CB, C, SC and TC) is to ensure that new commercial and high density residential buildings provide sufficient safe, quality and convenient end of trip facilities to enable active travel choices by residents, visitors, workers and customers for the proposed use of the site.*

Sub-clauses 3(h) and (k) require that *all bicycle parking facilities and associated bicycle parking devices should be designed in accordance with Australian Standard AS2890.3 – Bicycle Parking and must:*

- not require access via steps;*
- be easily accessible from the road;*
- be as close as possible the cyclist's ultimate destination;*

The development does not comply with this clause because the bicycle areas are located on the first and second floor, and are therefore not easily accessible from the road and not close to the offices or dining area on the ground floor.



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Sub-clause 4 requires that *a locker should accompany every secure bicycle parking space provided, and should be:*

- (a) of suitable volume and dimensions to allow storage of clothing, cycling helmets and other personal items;*
- (b) well ventilated, secure and lockable; and*
- (c) located close to shower and changing facilities.*

And, sub-clause 6 requires that *shower and changing facilities must be secure facilities capable of being locked, and should:*

- (a) be located as close as practical to the associated bicycle parking facilities;*
- (b) provide one change space per shower; and*
- (c) provide for separate male and female facilities where more than one shower is provided.*

The development does not comply with sub-clauses 4 and 6 because the lockers and bicycle spaces are located on the first and second floor, which is not as close as possible to the shower facilities that are located on the ground floor.

The consent authority requests further information to show greater compliance with the NTPS 2020, including:

- well located bicycle parking and locker facilities on the ground floor.

### 5.5.15 (Design in Commercial and Mixed Use Areas)

The purpose of 5.5.15 (Design in Commercial and Mixed Use Areas) is to *encourage a diverse mix of commercial and mixed use developments that are safe, contribute to the activity and **amenity** of commercial centres, are appropriately designed for the local climate, and minimise conflicts between different land uses within and surrounding the commercial centre.*

Sub-clause 20 requires that *the development is to minimise the transmission of noise and exhaust from services by:*

- (a) locating lift shafts away from habitable rooms, or by using other noise attenuation measures*

The development does not comply with this sub-clause because the lift shaft is located next to a bedroom and no details regarding the wall structure are provided to ensure noise caused by the lift shaft is suitably reduced.

The consent authority requests further information to show the relocation of the lift shaft or that other noise attenuation measures would be used.

### 5.9.3.2 (Volumetric Control)

The purpose of 5.9.3.2 (Volumetric Control) is to *ensure the siting and mass of buildings in the Palmerston city centre promotes urban form that is of a scale appropriate to the locality and provides adequate separation to allow for:*

- (a) breeze circulation between buildings;*
- (b) penetration of daylight into habitable rooms; and*
- (c) reasonable privacy for residents.*

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Sub-clause 6 requires that *where located at podium level, any verandah, balcony or rooms designed for accommodation with a window other than to a street or public open space, is to be set back a minimum of 6m from site boundaries.*

The development does not comply with this requirement because the south-eastern side of the development on the 1st and 2nd floor includes verandahs, balconies and windows within the minimum 6 metre setback. The application acknowledges this and seeks a variation to this sub-clause for a reduced setback (6m to 3m) to units 12-15 and 27-30 at first and second floor of the proposed building.

Administratively, *the consent authority may consent to a development that is not in accordance with sub-clause 5(ii), 6 and 7 if it is satisfied the development:*

- (a) is appropriate to the location having regard to the scale of the development and surrounding built form; and*
- (b) will not unreasonably restrict the future development of adjoining sites.*

The consent authority requests further information and justification for the reduced setback, and a demonstration of how it will not unreasonably restrict the future development of adjoining sites.

3. Pursuant to section 51(1)(m) of the *Planning Act 1999*, the consent authority must take into consideration the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose.

Power and Water (Water services) were unable to support the application at this time because the proposed development includes built structures over a sewerage easement. Substantial design changes may be required to achieve adequate setbacks.

The consent authority requests confirmation from Power and Water (Water services) that the proposed development can be constructed on and/or adjacent its easement is required.

4. Pursuant to section 51(1)(t) of the *Planning Act 1999*, the consent authority must take into consideration other matters it sees fit.

The application indicates that there would be no staff members present on site for the motel/hotel, as they would be managed remotely. While there may be no on-site staff for the proposed hotel/motel, it is unclear how the cleaning, gardening, dining or office space would operate without staff.

The consent authority requests further information to better understand the operational requirements of the proposed development.



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**FOR: 4**

**AGAINST: 0**

**ABSTAIN: 0**

**ACTION: Deferral**

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

**SUZANNE PHILIP**

**Chair**

22 August 2024