

## **DEVELOPMENT CONSENT AUTHORITY**

### **PALMERSTON DIVISION**

### **MINUTES**

**MEETING No 178 – WEDNESDAY 15 JULY 2015**

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

**MEMBERS PRESENT:** Denis Burke (Chairman), Steve Ward, Paul Bunker and Heather Malone

**APOLOGIES:** Andrew Byrne

**OFFICERS PRESENT:** Margaret Macintyre (Secretary), Deborah Curry, Anthony Brennan and Kaitlyn Zeek (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Gerard Rosse

**Meeting opened at 11.00 am and closed at 3.00 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**                      **SINGLE DWELLING WITH A 300MM SIDE SETBACK ON ZERO LOT LINE**  
**PA2015/0383**           **LOT 12503 (51) BROOK CIRCUIT, TOWN OF PALMERSTON**  
**APPLICANT**           **BENJAMIN BLAKE**

Mr Benjamin Blake (Cert NT), Mr Jimmy Corfias (Builder), Mr Chip Parry (Quack Pest Control) and Mr Tony Gribben (Building Certifier – Cert NT) attended.

**RESOLVED**              That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent  
**106/15**                      Authority defer consideration of the application to develop Lot 12503 (51) Brook  
Circuit, Town of Palmerston for the purpose of a single dwelling with a 300mm side  
setback on zero lot line to enable the authority to receive further information that the  
authority considers necessary in order to enable proper consideration of the  
application:

- Further information on the treatment of termites.

**RESOLVED**              That, pursuant to section 86 of the *Planning Act*, the Development Consent Authority  
**107/15**                      delegates to the Chairman, or in the Chairman's absence any one of the other  
members of the Palmerston Division the power under section 53 of the Act, to  
determine the application to develop Lot 12503 (51) Brook Circuit, Town of  
Palmerston for the purpose of a single dwelling with a 300mm side setback on zero  
lot line, subject to further advice from the Department of Lands, Planning and the  
Environment on the treatment of termites.

#### **REASON FOR DECISION**

- 1) The request for additional information is necessary to enable proper consideration of the application.

**ACTION:**                      Advice to Applicant

**ITEM 2**                      **WITHDRAWN**

**ITEM 3**                      **SINGLE DWELLING WITH REDUCED SIDE AND REAR SETBACKS**  
**PA2015/0382**           **LOT 12484 (64) BROOK CIRCUIT, TOWN OF PALMERSTON**  
**APPLICANT**           **PROJECT BUILDING CERTIFIERS PTY LTD**

The applicant did not attend.

Mrs Maria Georges (mother & mother in law of the submitters) and Mr Louie Cristiani attended on their behalf of the submitters as they are overseas and Mr Jimmy Corfias (builder) of the submitters house attended.



**RESOLVED**  
**108/15**

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(b) of the *Planning Act*, alter the proposed development and consent to the proposed development as altered to develop Lot 12484 (64) Brook Circuit, Town of Palmerston for the purpose of a single dwelling with reduced side and rear setbacks, 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) A retaining wall along the western side boundary adjacent to Lot 12485 (62) Brook Circuit Town of Palmerston. All components of the retaining wall including subsoil drainage and footings must be fully contained within the subject site. The horizontal slatted fence shown on the plans submitted with the application is not to exceed 1.8m in height and is to be constructed on top of the retaining wall; and
  - (b) Mature landscaping along the western boundary.
2. Prior to the endorsement of plans and prior to the commencement of any further works (including any further site preparation works), a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Palmerston stormwater drainage system shall be submitted to and approved by the City of Palmerston, to the satisfaction of the consent authority. The plan shall include details of site levels and Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system.

**GENERAL CONDITIONS**

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 facilities and electricity services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

6. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to City of Palmerston to the satisfaction of the consent authority.
7. 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.
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. 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.
11. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

**NOTES:**

1. This permit will expire if one of the following circumstances applies:
  - a) the development and use 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. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto: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. 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.



## 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 which the application relates.

The development of a single dwelling is consistent with the primary purpose of zone MD (Multiple Dwelling Residential), which is “to provide for a range of housing options to a maximum height of two storeys above ground level”.

2. A variation to the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) to allow a side setback of 1.11m where 1.5m is required by the Northern Territory Planning Scheme is granted as:

- The eaves are no closer than 0.6m to the boundary line and the same as the minimum eave setback for a compliant 1.5m building setback with 0.9m overhang;
- A gutter is to be installed along the western side roof to collect stormwater;
- A retaining wall is required along the western side boundary to minimise the impact of the reduced building setback on the adjacent dwelling;
- A horizontal slatted fence not exceeding 1.8m is to be provided along the western side boundary to minimise the potential for overlooking;
- Mature landscaping is provided along the western boundary which will assist in minimising the potential for overlooking; and
- Breeze penetration is unlikely to be materially affected as the length of the building that encroaches into the setback is relatively small at 5.6m or approximately 25% of the total building length.

A variation to the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) to allow a rear setback of 1.1m where 1.5m is required by the Northern Territory Planning Scheme is granted as:

- The eaves are no closer than 0.6m to the boundary line and the same as the minimum eave setback for a compliant 1.5m verandah setback with 0.9m overhang and therefore the only element of any bulk extending into the setback are the two support columns;
- A gutter is to be installed along the rear side roof;
- A 1.8m high horizontal slatted fence and landscaping is provided along the rear boundary which minimises the potential for overlooking; and
- Breeze penetration is unlikely to be materially affected as the verandah is an open structure.

3. 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.

Provided that the works carried out are in accordance with the endorsed plans and the collection and discharge of stormwater is managed to

Council's satisfaction, it is considered that the development will not adversely impact on the amenity of the surrounding area.

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

**ITEM 4**  
**PA2015/0421**  
**APPLICANT**

**SHADE STRUCTURE WITH A REDUCED SIDE SETBACK**  
**LOT 6908 (3) PACKSADDLE ROAD, TOWN OF PALMERSTON**  
**MICHAEL GORHAM**

Mr Michael Gorman attended.

**RESOLVED**  
**109/15**

That, pursuant to section 53(c) of the *Planning Act*, the Development Consent Authority refuse to consent to the application to develop Lot 6908 (3) Packsaddle Road, Town of Palmerston for the purpose of a shade structure 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 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme as the proposed shade structure will be setback 0.35m to the side boundary where 5m is required.

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

In consideration of a variation to Clause 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme it is considered that:

- the shade structures relatively large footprint and height will result in building massing when viewed from neighbouring lots and it is considered that the provision of a 0.35m setback is not sufficient for adequate landscaping to screen the structure;
- the proposed location of the shade structure detracts from the rural amenity of the area;
- there appears to be adequate room on site to accommodate either the proposed shade structure or a smaller shade structure without impacting on the required setbacks or impacting on the use or amenity of the property;
- with the exception of a drainage easement to the rear of the site the majority of the site is not impacted by the easement and as such a significant portion of the site is developable;
- the site is not constrained by irregularities of parcel boundaries;



- a 0.35m gap adjacent to a fence is not considered sufficient room for maintenance of the gutters and wall; and
- no special circumstances pertaining to the characteristics of the land have been demonstrated.

Furthermore, the City of Palmerston does not support the proposed development as the proposed structure is not the type of development that should be permitted in this locality as the lot sizes in Marlow Lagoon are quite generously proportioned and the purpose of the 5m setback in the rural residential zone is to avoid infringing upon the rural character of neighbouring properties and general locality in the rural residential zone.

2. Pursuant to Section 51(j) of the *Planning Act*, the consent authority must take into consideration the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.

There is no evidence to suggest the land is not capable of supporting a shade structure, however there does not appear to be any constraints on the site which would preclude the shade structure being constructed in accordance with the requirements of the Northern Territory Planning Scheme.

**ACTION:** Notice of Refusal

**ITEM 5**  
**PA2015/0255**

**VERANDAH ADDITION TO AN EXISTING SINGLE DWELLING WITH A  
REDUCED SIDE SETBACK  
LOT 9109 (7) DELISSAVILLE PLACE, TOWN OF PALMERSTON  
BENCK MARKETING SERVICE PTY LTD**

**APPLICANT**

Ms Wendy Hutchinson (Benck Marketing Service Pty Ltd) attended.

**RESOLVED**  
**110/15**

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 9109 (7) Delissaville Place, Town of Palmerston for the purpose of a verandah addition to an existing single dwelling, subject to the following conditions:

#### **CONDITIONS PRECEDENT**

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Palmerston stormwater drainage system shall be submitted to and approved by the City of Palmerston, to the satisfaction of the consent authority. The plan shall include details of site levels and Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system.



## GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. The verandah must not be utilised for vehicle parking and the gates adjacent to the verandah addition are to be removed and the fence reinstated, to the satisfaction of the City of Palmerston and the consent authority.
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. 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.

## NOTES:

1. This permit will expire if one of the following circumstances applies:
  - (a) the development and 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. 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.
3. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto: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.
4. 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 proposal is for a verandah addition which will be utilised as an outdoor entertaining area and seating area. As the verandah is considered ancillary to the dwelling it is considered that the proposal complies with the purpose of zone SD (Single Dwelling) of the Scheme.

2. A variation to Clause 7.3 (Building Setbacks of Residential Buildings) of the Scheme to allow a side setback of 0.7m where 1.5m is required is granted as:

- the single storey open sided appearance of the verandah will not result in building massing when viewed from the street or neighbouring property;
- the potential for undue overlooking of the adjoining property at Lot 9110 (5) Delissaville Place, Town of Palmerston is minimised as the proposed verandah is located away from private open space areas of the neighbour and the applicant has amended the plans to include landscaping to the length of the verandah and shutters along the beam that faces the neighbouring lot so as to provide privacy to habitable rooms located on the adjoining lot; and
- the structure is mainly unenclosed and therefore will not reduce breeze penetration through the site and between the buildings.

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.

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.

Provided that:

- screening shutters are installed; and



- the collection and discharge of stormwater is managed to Council's satisfaction, this includes redirecting the flow of stormwater so that it does not discharge on the adjoining site

the proposal is considered unlikely to impact on the existing and future amenity of the area.

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

**ITEM 6**  
**PA2015/0340**  
**APPLICANT**

**11 X 3 BEDROOM MULTIPLE DWELLINGS IN 6 SINGLE STOREY BUILDINGS**  
**LOT 11289 (30) POLGLASE CIRCUIT, TOWN OF PALMERSTON**  
**RAW DESIGNS**

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

**RESOLVED**  
**111/15**

That, the Development Consent Authority vary the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) and 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 11289 (30) Polglase Circuit, Town of Palmerston for the purpose of 11 x 3 bedroom multiple dwellings in 6 single storey buildings, 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) Pedestrian gates to the Farrar Boulevard frontage.
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.
3. 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>.

4. Prior to commencement of works a 1.8m high temporary fence must be erected around the perimeter of the site. The fence is to remain in place until such time as the retaining walls and permanent fencing are constructed.

#### **GENERAL CONDITIONS**

5. The works carried out under this permit shall be in accordance with the drawings 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 and approval to carry out works shall be obtained prior to the commencement of construction, to the satisfaction of the consent authority.
7. 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.
8. 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.
9. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of City of Palmerston, to the satisfaction of the consent authority.
10. The owner shall:
  - (a) remove disused vehicle and/ or pedestrian crossovers;
  - (b) provide footpaths/ cycleways;
  - (c) collect stormwater and discharge it to the drainage network; and
  - (d) undertake reinstatement works;All to the technical requirements of and at no cost to the City of Palmerston, to the satisfaction of the consent authority.
9. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
10. Before the use/occupation of the development starts, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.



11. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
12. 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'.
13. All air conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
14. Storage for waste disposal bins is to be provided to the requirements of City of Palmerston to the satisfaction of the consent authority.
15. Dumping of materials and heavy storage is not permitted outside of the property boundaries, particularly not within the adjoining conservation areas.

**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](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto: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 Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
4. 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.
5. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email ([info@ntbuild.com.au](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 DECISION

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

The proposed development is consistent with the primary purpose of Zone MD as it provides for a variety of housing options for potential residents of Johnston.

2. A variation to the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) to allow a 2.21m secondary street setback where 2.5m is required by the Northern Territory Planning Scheme is granted as:

- The areas of non-compliance are limited to small corner sections of the building and represent a small portion of the overall development;
- The lot is irregularly shaped, and the aspect fronting Polglase Circuit utilises a staggered building line which responds to the lot shape and also provides articulation and reduces building massing to the streetscape;
- There are sufficient setbacks to encourage breeze penetration through and between buildings;
- The multiple dwellings are single storey in height and therefore the potential for overlooking is minimised; and
- No submissions were received.

A variation to the requirements of Clause 7.3.1 (Additional Setback Requirements for Residential Buildings Longer than 18m and for Residential Buildings Over 4 Storeys in Height) to allow a side setback of 1.5m to the northern boundary where 2m is required and to allow a secondary street setback of 2.29m where 3m is required by the Northern Territory Planning Scheme is granted as:

- The northern side boundary adjoins a conservation zone and given the lack of adjoining residences the additional setbacks required by Clause 7.3.1 are largely irrelevant;
- Notwithstanding the above, building elevations to the northern side are sufficiently articulated and include recesses for the verandahs which will reduce building massing to the adjoining land;
- The Polglase Circuit aspect includes a small corner portion of the building that is non-complaint and given the minor area of the encroachment it is unlikely to have any adverse impact on the streetscape;
- There are sufficient setbacks to encourage breeze penetration through and between buildings;
- The multiple dwellings are single storey and therefore minimises the potential for overlooking; and
- No submissions were received.

3. Pursuant to Section 51(j) of the *Planning Act*, the consent authority must take into consideration the capability of the land to which the proposed

development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.

Provided that erosion and sediment control measures are in place and stormwater is managed on site without impacting on adjoining properties and disposed of into City of Palmerston's stormwater drainage system the land is generally considered capable of accommodating a multiple dwelling development.

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

**ITEM 7** **WITHDRAWN**

**ITEM 8** **SUBDIVISION TO CREATE 28 LOTS**  
**PA2015/0395** **LOT 13078 ZUCCOLI PARADE, TOWN OF PALMERSTON**  
**APPLICANT** **NORTHERN PLANNING CONSULTANTS**

The applicant did not attend.

**RESOLVED** That, pursuant to section 53(a) of the *Planning Act*, the Development Consent  
**112/15** Authority consent to the application to develop Lot 13209 Zuccoli Parade, Town of Palmerston for the purpose of a subdivision to create 29 lots, subject to the following conditions:

**CONDITIONS PRECEDENT**

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a schematic plan demonstrating the on-site collection of stormwater and its discharge into the local stormwater drainage system shall be submitted to and approved by the Department of Lands, Planning and the Environment or City of Palmerston as the case may be, to the satisfaction of the consent authority. The plan shall include details of anticipated site levels for each land parcel and the Department of Lands, Planning and the Environment's and/or Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and discharged to the Department of Lands, Planning and the Environment's or Council's drainage system.
2. Prior to the commencement of works an Erosion and Sediment Control Plan (ESCP) is to be submitted to and approved by the consent authority on the advice of the Department of Land Resource Management, and an endorsed copy of the Plan will form part of this permit. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the satisfaction of the consent authority. The ESCP is to be developed by a suitably qualified and experienced professional in erosion and sediment control planning, and in accordance with the IECA Best Practice Erosion and Sediment Control Guidelines 2008. The plan should detail methods and treatments for



minimising erosion and sediment loss from the site during the construction phase. Information regarding ESCP content is available at [www.austieca.com.au](http://www.austieca.com.au).

## 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. 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.
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, and telecommunication networks to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
7. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the Department of Lands Planning and the Environment or City of Palmerston as the case may be, to the satisfaction of the consent authority.
8. All proposed roads 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. 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 the Department of Lands, Planning and the Environment or City of Palmerston as the case may be to the satisfaction of the consent authority and all approved works constructed at the developer's expense.
10. Before the issue of titles, firebreaks along boundaries or at appropriate locations shall be provided to the satisfaction of the consent authority on advice from the Bushfires NT (Department of Land Resource Management/ Northern Territory Fire and Rescue Services).
11. The developer is to ensure that all development work is undertaken in a manner that prevents the creation of a public health nuisance from dust or other particulate matter.

## NOTES:

1. This permit will expire if one of the following circumstances applies:
  - a) the 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. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto: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.
3. 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.
4. The developer is 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
5. "All new roads are required to be named under the *Place Names Act*. The developer 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](mailto:placenames.dpi@nt.gov.au). Further information can be found at <http://www.placenames.nt.gov.au>."
6. There are statutory obligations under the *Weeds Management Act* to take all practical measures to manage weeds on the property. For advice on weed management please contact the Department of Land Resource Management.

## REASONS FOR THE DECISION

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

The proposal is generally in accordance with the requirements of the SP9 Specific Use Zoning. The land is to be further subdivided in accordance with the Master Plan and it is not anticipated that any variations will be



required to the maximum proportion of dwelling types provided in the subdivision and the requirement for 10% public open space.

2. Pursuant to section 51(j) of the *Planning Act*, the consent authority must take into consideration the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.

Key land constraints and their impact on residential development have largely been addressed through the Palmerston Eastern Suburbs Area Plan created to reflect or take advantage of the topography of the site and its constraints.

A conceptual stormwater drainage plan for the area is required to ensure that stormwater can be effectively managed on individual lots without any discharge across private boundaries.

An Erosion and Sediment Control Plan (ESCP) is required to ensure that land clearing and general earth works are effectively managed, particularly through the wet season.

3. 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 proposal accords with the layout depicted within the Area Plan and is therefore considered unlikely to adversely impact on the area or alter community expectations for the site.

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

<b>ITEM 9</b> <b>PA2015/0415</b>  <b>APPLICANT</b>	<b>SHOWROOM SALES, OFFICE AND RESTAURANT</b> <b>LOT 7765 (5) YARRAWONGA ROAD (AND PROPOSED LOT 11976), TOWN OF PALMERSTON</b> <b>ELTON CONSULTING</b>
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Ms Wendy Smith (Elton Consulting) and Mr Michael Coombes (developer) attend.

<b>RESOLVED</b> <b>113/15</b>	That, the Development Consent Authority vary the requirements of Clauses 6.5.1 (Parking Layout) and 6.6 (Loading Bays) of Northern Territory Planning Scheme, and pursuant to section 53(a) of the <i>Planning Act</i> , consent to the application to develop Lot 7765 (5) Yarrowonga Road, Town of a Palmerston for the purpose of showroom sales, office and a restaurant in 2 x single storey buildings and 1 x two storey building, subject to the following conditions:
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**CONDITION 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 connections to the existing path network and internal network to allow for cyclists and pedestrian access to Stage 2.

2. Prior to the commencement of works (including site preparation), the applicant is to prepare a schematic plan demonstrating the proposed method of stormwater management during the construction phase including details of existing and proposed stormwater infrastructure, stormwater drains and drainage easements and how stormwater is to be discharged underground to City of Palmerston's and/or Department of Transport's stormwater drainage system, to the requirements of City of Palmerston or Department of Transport as the case may be, to the satisfaction of the consent authority.
3. 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 DLRM. 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 the construction phase. Information regarding erosion and sediment control and ESCP content is available at [www.austieca.com.au](http://www.austieca.com.au) and the DLRM website: <http://lrm.nt.gov.au/soil/management>.
4. Prior to the commencement of works (including site preparation), a Construction Traffic Management Plan (detailing all appropriate site management measures, including construction access, proposed haulage routes, vehicle types, protection of existing assets, protection of public access and a risk assessment) shall be submitted to and approved by the consent authority upon the advice of the Department of Transport. When approved the CTMP will be endorsed and will then form part of the permit.

#### **GENERAL CONDITIONS**

5. Works carried out under this permit shall be in accordance with the drawings 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 and approval to carry out works shall be obtained prior to the commencement of construction, to the satisfaction of the consent authority.
7. 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.

8. Engineering design and specifications for the affected roads, street lighting, stormwater drainage, vehicular access, and streetscaping including kerb crossovers and driveways to the site approved by this permit are to be to the technical requirements of the Transport Infrastructure Planning Division of the Department of Transport, to the satisfaction of the consent authority and all approved works are to be constructed at the developer's expense.
9. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the Department of Transport and/or the City of Palmerston to the satisfaction of the consent authority.
10. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into the Department of Transport's and/or the City of Palmerston's drains or to any watercourse.
11. The developer shall:
  - (a) remove disused vehicle and/ or pedestrian crossovers;
  - (b) provide footpaths/ cycleways;
  - (c) collect stormwater and discharge it to the drainage network; and
  - (d) undertake reinstatement works;all to the technical requirements of and at no cost to City of Palmerston or the Department of Transport as the case may be, to the satisfaction of the consent authority.
12. 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.
12. 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.
13. 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.



15. 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.
16. Dryland grassing shall be established on the verges fronting the development and shall be undertaken to the Department of Transport's standards to the satisfaction of the consent authority.
17. Where unfenced, the frontage is to be appropriately fenced in accordance with the Department of Transport's standards and requirements to the satisfaction to the consent authority.
18. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
19. The loads of all trucks entering and leaving the site of works are to be constrained in such a manner as to prevent the dropping or tracking of materials onto streets to the requirements of the Department of Transport to the satisfaction of the consent authority.
20. The loading and unloading of goods from vehicles must only be carried out on the land within the designated loading areas, and must not disrupt the circulation and parking of vehicles on the land.
21. All works are to be in accordance with the approved Construction Traffic Management Plan to the satisfaction of the consent authority.
22. Provision must be made on the land for the storage and collection of garbage and other solid waste to the requirements of the Department of Health. This area must be graded and drained and screened from public view to the satisfaction of the consent authority.
23. All waste material not required for further on-site processing must be regularly removed from the site to an approved facility. All vehicles removing waste must have fully secured and contained loads so that the risk of waste spillage and dust or odour is minimised, to the satisfaction of the consent authority.
24. 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.
25. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building(s).
26. Prior to the commencement of works Lots 7765, 7766 and 1107, Town of Palmerston and the adjoining road reserve Zoned SC (Service Commercial) proposed Lot 11976, Town of Palmerston must be consolidated and a new title issued for the consolidated lot.

## 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 is responsible for safety clearance compliance between existing overhead power lines in the area and any new building or extension during construction and completion in accordance with the NT Electricity Reform (Safety and Technical) Regulations 2000. If any work is required on existing overhead power lines or relocation of any power line as requested, the design and installation cost shall be borne by the Developer.
3. The development should be constructed in accordance with the Building Code of Australia and must meet the requirements of the Public Health Act, Public Health (Shops, Eating Houses, Boarding Houses, Hostels and Hotels) Regulations, as well as the proposed Public Health Guidelines for Commercial Visitor Accommodation and approval should be obtained from the Department of Health.
4. Notwithstanding the approved plans, all signage is subject to the requirements of Clause 6.7 (Signs) of the NT Planning Scheme.
5. All proposed works impacting on the Stuart Highway, Roystonea Avenue or Tiger Brennan Drive road reserve are to 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 Officer, Department of Transport. Drawings must be submitted to the Senior Director, Road Network Division of the Department of Transport for approval and no works are to commence prior to approval and receipt of a Permit to Work Within a Road Reserve.
6. 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.
7. Any floodlighting or security lighting provided on site should be shielded in a manner to prevent the lighting being noticeable or causing nuisance to Stuart Highway, Roystonea Avenue and Yarrowonga Road traffic.
8. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to



determine if the proposed works are subject to the Act.

## REASONS FOR THE DECISION

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

The proposal is for Stage 2 of the Gateway development and will consist of showroom sales, office and a restaurant. As the development proposes a number of large scale showroom sales tenancies and small ancillary tenancies that will support the larger commercial activities on the site it is considered that the proposal is consistent with the purpose of Zone SC (Service Commercial) of the Scheme.

2. A variation to Clause 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme to allow parking bays to have dimensions of 5.4m x 2.6m rather than 5.5m x 2.5m is granted as:

- The car parking area has been designed in accordance with Australian Standard AS2890-1 for short term, high turnover parking at shopping centres;
- Australian Standard AS2890-1 requires car parking bays to have a width of 2.6m which is in excess of the Schemes requirements of 2.5m; and
- Australian Standard AS2890-1 also requires drive aisles to have a width of 6.6m which is in excess of the Schemes requirements of 6m.

3. A variation to Clause 6.6 (Loading Bays) of the Northern Territory Planning Scheme) to allow 6 compliant loading bays and additional loading areas which do not comply with the minimum dimensions required is granted as:

- Appropriate conditioning is included within the recommendation to ensure usage by appropriate vehicles;
- A range of loading bay sizes and locations are proposed to service a variety of commercial, retail and accommodation uses; and
- The loading bays are located so as to not interfere with the safe manoeuvring of traffic and provides for good utilisation of space.

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.

The location of bike and pedestrian paths has been raised as an issue relating to the development that will need to be addressed, to ensure the provision of high level pedestrian level pedestrian amenity. Overall provided that vehicular, bike and pedestrian movement around and within the site are appropriately resolved, the development will offer a high degree of amenity to Palmerston and surrounding areas.



Furthermore, it is considered that if well managed, the proposal is likely to positively contribute to the amenity of the locality through the range of commercial facilities proposed, through the design of the development on the site and through its location being within walking distance to residential areas.

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

**ITEM 10** **CHANGES TO DP14/0889 TO INCLUDE LEISURE AND RECREATION**  
**PA2015/0414** **(GYMNASIUM), MEZZANINE STORAGE AREA AND ADDITIONAL CARPARKING**  
**(GATEWAY STAGE 1).**  
**LOTS 11037, 7765 & 7766 (11, 5 & 15) YARRAWONGA ROAD,**  
**TOWN OF PALMERSTON**  
**APPLICANT** **JUNE D'ROZARIO & ASSOCIATES PTY LTD**

Ms June D'Rozario (June D'Rozario & Associates) and Mr Michael Coombes (developer) attended.

Ms D'Rozario tabled a requested amendment to reason for recommendation 2.

**RESOLVED** That, the Development Consent Authority reduce the requirement for 1654 parking  
**114/15** bays required pursuant to Clause 6.5.1 (Parking Requirements) of the NT Planning Scheme to 1418 parking bays through the provisions of Clause 6.5.2 (Reduction in Parking Requirements) of the Northern Territory Planning Scheme and vary the requirements of Clause 6.6 (Loading Bays) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the proposed development as altered to develop Lots 7765, 7766 and 11037 (5, 15 and 11) Yarrowonga Road, Town of Palmerston for the purpose changes to Development Permit DP14/0889 to include leisure and recreation (gymnasium), mezzanine storage area and additional retail floor space and additional carparking, subject to the following conditions:

#### **CONDITIONS PRECEDENT**

1. Prior to the commencement of works (including site preparation), the applicant is to prepare a schematic plan demonstrating the proposed method of stormwater management during the construction phase including details of existing and proposed stormwater infrastructure, stormwater drains and drainage easements and how stormwater is to be discharged underground to City of Palmerston's or Department of Transport's stormwater drainage system, to the requirements of City of Palmerston or Department of Transport as the case may be, to the satisfaction of the consent authority.
2. Prior to commencement of works (including site preparation), an Erosion and Sediment Control Plan (ESCP), is to be developed and subsequently implemented to the satisfaction of the consent authority on advice from the Department of Land Resource Management to ensure sediment laden run off does not leave the site during both the construction and operational phases of the development. The IECA Best Practice Erosion and Sediment Control

Booklets 2008 should be referenced as a guide to the type of information, detail and data that should be included in an ESCP and the Plan should detail control measures for construction phase of the proposed use including:

- (a) proposed measures to be installed and used so vehicles leaving the site do not deposit mud or other materials on roadways; and
- (b) proposed method of stormwater management including details of existing and proposed stormwater infrastructure, stormwater drains and drainage easements.

An endorsed copy of the Plan will form part of this permit and all works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the satisfaction of the consent authority.

- 3. Prior to the commencement of works and the endorsement of plans, the applicant is to finalise the Traffic Impact Assessment report with particular attention to vehicular, pedestrian, cyclist and public transport issues and opportunities. The report is to be prepared in consultation with, and to the approval of, both the Department of Transport and the City of Palmerston, to the satisfaction of the consent authority.
- 4. Prior to the commencement of works a full set of 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 three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - (a) the location of vehicular, bike and pedestrian entry exit points as identified in the Traffic Impact Assessment report as endorsed by the Department of Transport;
  - (b) the location of bike paths including the location of any proposed easements and right of way corridors in consultation with and to the satisfaction of the City of Palmerston and the Department of Transport;
  - (c) the provision of bicycle parking and (for employees) storage facilities and shower facilities;
  - (d) a network of conveniently located and oriented pedestrian corridors throughout and around the site including (where opportune) marked corridors and pedestrian crossing paths within all parking areas;
  - (e) provision of landscaping and other treatments to the footpath within and adjacent to the proposed development, to the requirements of City of Palmerston or Department of Transport as the case may be, demonstrating and taking into consideration the principles of Crime Prevention Through Environmental Design;
  - (f) removal of all signage which is subject to a separate approval of City of Palmerston;
  - (g) designated loading bays within the servicing areas; and
  - (h) dimensions on plans demonstrating that parking spaces at the end of an perpendicular to driveways meet the requirements of Clause 6.5.3 (Parking Layout) of the Scheme.



5. Prior to the commencement of works, a Construction and Traffic Management Plan (CTMP) for the construction of the development and all of its components must be submitted to and approved by the consent authority upon consultation with Department of Transport and City of Palmerston. When approved, the CTMP will be endorsed and will then form part of the permit. The use must at all times be conducted in accordance with the endorsed CTMP which must include, but not necessarily be limited to, the following:
  - (a) how the development will manage the free flow of traffic (including public transport) during the construction period, including details of haulage routes as required by the Public Transport Division of the Department of Transport;
  - (b) concept plans showing servicing of the development designed in consultation with relevant service authorities; and
  - (d) identification of possible traffic-related risks and response measures to be implemented during the construction and establishment of the use.

#### **GENERAL CONDITIONS**

6. Works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
7. Before the use or occupation of the development, Lots 11037, 7765 and 7766 Town of Palmerston are to be consolidated into a single parcel.
8. 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.
9. 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.
10. Before the use/occupation of the development starts, all works identified within the Traffic Impact Assessment and any other works associated with the development as required by the Road Network Division of the Department of Transport are to be undertaken to the requirements of, and at no cost to the Department of Transport, to the satisfaction of the consent authority.
11. All works are to be in accordance with the approved Construction and Traffic Management Plan to the satisfaction of the consent authority.
12. The developer shall:
  - (a) remove disused vehicle and/ or pedestrian crossovers;
  - (b) provide footpaths/ cycleways;
  - (c) collect stormwater and discharge it to the drainage network; and
  - (d) undertake reinstatement works;all to the technical requirements of and at no cost to City of Palmerston or the Department of Transport as the case may be, to the satisfaction of the consent authority.

13. 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;to the satisfaction of the consent authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.
14. 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 visitors.
15. "No entry/no exit" signs and arrows directing the internal traffic movement on site shall be provided to the requirements and satisfaction of the consent authority.
16. Before the use/ occupation of the development starts, written confirmation from a qualified Traffic Engineer that the car parking spaces and access ways comply with the relevant Australian Standard. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of City of Palmerston and Department of Transport as the case may be, to the satisfaction of the consent authority.
17. Engineering design and specifications for the affected roads, street lighting, stormwater drainage, vehicular access, and streetscaping including kerb crossovers and driveways to the site approved by this permit are to be to the technical requirements of the Transport Infrastructure Planning Division of the Department of Transport, to the satisfaction of the consent authority and all approved works are to be constructed at the developer's expense.
18. 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 the Department of Transport to the satisfaction of the consent authority.
19. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into the Department of Transport's or City of Palmerston's drains or to any watercourse.
20. 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.
21. 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.



22. Where unfenced, the Stuart Highway and Roystonea Avenue road frontages are to be appropriately fenced in accordance with the Department of Transport's standards and requirements to the satisfaction of the consent authority.
23. 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.
24. 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.
25. All waste material not required for further on-site processing must be regularly removed from the site to an approved facility. All vehicles removing waste must have fully secured and contained loads so that the risk of waste spillage and dust or odour is minimised, to the satisfaction of the consent authority.
26. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into the Department of Transport's or the City of Palmerston's drains or to any watercourse.
27. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
28. All external plant and equipment must be acoustically treated or placed in sound proof housing to reduce noise to a level satisfactory to the consent authority.
29. Any floodlighting or security lighting provided on site should be shielded in a manner to prevent the lighting causing nuisance to Stuart Highway, Roystonea Avenue and Yarrawonga Road traffic.

#### NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto: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 is responsible for safety clearance compliance between existing overhead power lines in the area and any new building or extension during construction and completion in accordance with the NT Electricity Reform (Safety and Technical) Regulations 2000. If any work is required on existing overhead power lines or relocation of any power line as requested, the design and installation cost shall be borne by the Developer.
3. The development should be constructed in accordance with the Building Code of Australia and must meet the requirements of the Public Health Act, Public

Health (Shops, Eating Houses, Boarding Houses, Hostels and Hotels) Regulations, as well as the proposed Public Health Guidelines for Commercial Visitor Accommodation and approval should be obtained from the Department of Health.

4. Notwithstanding the approved plans, all signage is subject to the requirements of Clause 6.7 (Signs) of the NT Planning Scheme.
5. All proposed works impacting on the Stuart Highway and Roystonea Avenue are to 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 Officer, Department of Transport. Drawings must be submitted to the Senior Director, Road Network Division of the Department of Transport for approval and no works are to commence prior to approval and receipt of a Permit to Work Within a Road Reserve.
6. 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.
7. Any floodlighting or security lighting provided on site should be shielded in a manner to prevent the lighting being noticeable or causing nuisance to Stuart Highway, Roystonea Avenue and Yarrowonga Road traffic.
8. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email ([info@ntbuild.com.au](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 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.

Within Stage 1 of the Gateway there are a number of large scale uses that meet the purpose of this zone. It is also noted that many of the uses proposed are smaller-scale retail and leisure and recreational uses which are considered to be ancillary uses. Therefore as these ancillary uses support the larger commercial activities on the site it is considered that the proposed changes area consistent with the purpose of the zone SC (Service Commercial) of the Scheme.

2. The gross floor area of the retail and restaurant components of the development include columns, fire protection, and facilities such as staff rooms, toilets, escalators, customer change rooms, and cleaners' stores



and these items would normally be excluded from the assessment of net floor area. Some activities conducted at the rear of major stores include goods storage and sorting, as well as storing and packaging waste. These activities do not generate demand for parking. The net floor area has been calculated based on the plans which were submitted as forming part of the application.

A reduction in the parking required by Clause 6.5.1 (Parking Requirements) of the NT Planning Scheme through provisions of Clause 6.5.2 (Reduction in Parking Requirements) from 1654 parking bays to 1418 parking bays is granted as:

- The Authority has previously accepted assessment of only 80% of the gross floor area of a retail development on the understanding that up to 20% of the floor space of the retail components (once fully retrofitted) would be excluded from parking assessment. The 20% discount mentioned above represents 202 car parking spaces.
- A further reduction of 34 car parking bays can be supported as:
  - a) The proposal includes a number of different but complementary commercial uses and multi-purpose trips to the site are anticipated;
  - b) The applicant has noted that parking demand for entertainment and restaurant uses peak at different times to retail uses with parking demand for entertainment usually peaking in the period from early evenings;
  - c) Informal overflow car parking can be made available on the undeveloped portion of Lots 7766 and 11037. Car parking will also be available in Stage 2 of the Gateway development on Lot 7765 (5) Yarrowonga Road, Town of Palmerston; and
  - d) There are a number of bus routes which service the development. The bus stops for these routes are located a short walk from the site.
- 4. A variation to Clause 6.6 (Loading Bays) of the NT Planning Scheme to allow a 11 loading bays where 12 are required is granted as:
  - A range of loading bay locations areas are proposed to service a variety of retail uses;
  - The loading bays are located so as to not interfere with the safe manoeuvring of traffic and provides for good utilisation of space; and
  - The related nature of the restaurants and retails spaces will enable the loading facilities to be adequately shared.
- 5. 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 potential impact of the shopping centre on the existing and future amenity of the area was determined by Development Permit DP14/0889. As the proposal is for internal changes and the addition of a small car

parking area it is considered unlikely that the changes will have any material impact to the existing or future amenity of the land.

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

**ITEM 11**  
**PA2015/0194**  
**CONCURRENT APPLICATION – REZONE FROM ZONE SD TO ZONE MD AND SUBDIVISION TO CREATE 10 LOTS**  
**LOTS 10541, 10555 & 10539 (3, 4 & 7) GEMMA STREET AND**  
**LOTS 10550 & 10552 (3 & 7) LAURENCIA STREET, TOWN OF PALMERSTON**  
**APPLICANT** **TPG TOWN PLANNING, URBAN DESIGN & HERITAGE**

Mr Ben Watson (NS Projects) attended on behalf of the applicant.

Submitters in attendance:- Ms Kylie Post, Mr Dave McDonald, Mr Kenneth Starkey and Mr Edward Compton.

**RESOLVED**  
**115/15**  
That under section 30Q of the *Planning Act*, the Development Consent Authority report to the Minister for Lands and Planning on the preliminary decision, issues raised in the submissions, issues raised at the hearing and any other matters it considers the Minister should take into account when considering the proposal.

**ACTION:** Report to the Minister

**RESOLVED**  
**116/15**  
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 Lots 10539 (7) Gemma Street, 10541 (3) Gemma Street, 10550 (7) Laurencia Street, 10552 (3) Laurencia Street and 10555 (4) Gemma Street, Town of Palmerston, for the purpose of a subdivision to create 10 lots, under section 30W(1)(a) subject to the following conditions:

#### **CONDITIONS PRECEDENT**

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a schematic plan demonstrating the on-site collection of stormwater and its discharge into the local 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 be discharged to City of Palmerston's stormwater system including during minor and major storm events.

#### **GENERAL CONDITIONS**

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



3. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
4. 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.
5. 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.
6. Stormwater drainage shall be wholly contained within the site and discharged into the local stormwater system to the standards and approval of the City of Palmerston, to the satisfaction of the consent authority.
7. 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 to the satisfaction of the consent authority and all approved works constructed at the owner's expense.

#### 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. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto: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. 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.

#### REASONS

1. Pursuant to sections 30P(2)(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.

**Should the Minister determine to approve the amendment proposal contained in the application,** the development would be consistent with the primary purpose of proposed Zone MD (Multiple Dwelling Residential) as it would facilitate subdivision of land in zone MD to accommodate single dwellings on lots less than 600m<sup>2</sup>.

Furthermore, **should the Minister determine to approve the amendment proposal** the subdivision would comply with all the relevant provisions of the Northern Territory Planning Scheme if the lots were Zone MD.

2. Pursuant to Section 30P(2)(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 have assessed the information contained in the application and have not identified any issues of concern. The City of Palmerston requests a condition that the proposal satisfies Council's standards regarding stormwater drainage.

**Should the Minister determine to approve the amendment proposal,** the requirement for a schematic stormwater plan to be completed prior to commencement of works will ensure that stormwater management is satisfactorily dealt with and the land is capable of accommodating the proposed subdivision.

**RESOLVED  
117/15**

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

- 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 Lots 10539 (7) Gemma Street, 10541 (3) Gemma Street, 10550 (7) Laurencia Street, 10552 (3) Laurencia Street and 10555 (4) Gemma Street, Town of Palmerston, for the purpose of a subdivision to create 10 lots; and

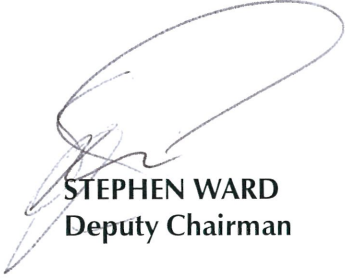


- issue the relevant notices under Section 30Y.

**ACTION:**

Advice to the Applicant

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



**STEPHEN WARD**  
Deputy Chairman

23/07/15

