



## **DEVELOPMENT CONSENT AUTHORITY**

### **PALMERSTON DIVISION**

### **MINUTES**

### **MEETING No 137 – WEDNESDAY 21 MARCH 2012**

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

**MEMBERS PRESENT:** Peter McQueen (Chairman), Steve Ward, Jeffrey Porter, Susan McKinnon and Ian Abbott

**APOLOGIES:** Graeme Chin

**OFFICERS PRESENT:** Margaret Macintyre (Secretary), George Maly, Deborah Buise and Sarah Gooding (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Nil

**Meeting opened at 10.00 am and closed at 11.30 am**

**THE MINUTES RECORD OF THE EVIDENTIARY STAGE AND THE DELIBERATIVE STAGE ARE RECORDED SEPARATELY. THESE MINUTES RECORD THE DELIBERATIVE STAGE. THE TWO STAGES ARE GENERALLY HELD AT DIFFERENT TIMES DURING THE MEETING AND INVITEES ARE PRESENT FOR THE EVIDENTIARY STAGE ONLY.**

**ITEM 1**                    **3 X 3 BEDROOM MULTIPLE DWELLINGS IN 3 X 2 STOREY BUILDINGS**  
**PA2012/0047**           **LOT 10647 (21) HENSCHKE STREET, TOWN OF PALMERSTON**  
**APPLICANT**           **DPL DEVELOPMENTS PTY LTD**

Mr Darron Lyons (The Red Shed) attended and tabled a copy of the plans that have been approved as complying with the Bellamack Design Guidelines.

Submitters Mr Alan and Mrs Joanna Taylor attended but had to leave the meeting before the application was heard. Mr & Mrs J Taylor tabled advice and a request to the authority prior to leaving the meeting.

**RESOLVED**  
**24/12**

That, pursuant to section 53(b) of the *Planning Act*, the Development Consent Authority alter the proposed development and consent to the proposed development as altered to develop Lot 10647 (21) Henschke Street, Town of Palmerston for the purpose of a 3 x 3 bedroom multiple dwellings in 3 x 2 storey buildings, subject to the following conditions:

**CONDITION PRECEDENT**

1. 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 generally in accordance with the plans submitted with the application but modified to show:
  - A fence / wall around the 3.5m x 3.5m electricity easement located along the Henschke Street frontage, leaving the front boundary clear for access purposes, meeting the requirements of Power and Water Corporation.
2. Prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Palmerston's underground stormwater drainage system shall be submitted to and approved by the City of Palmerston, to the satisfaction of the consent authority. The plan shall include details of site levels and Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected to Council's stormwater 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. Storage for waste disposal bins is to be provided to the requirements of City of Palmerston to the satisfaction of the consent authority.
6. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
7. 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.
8. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity, gas and telecommunication services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
9. Before the use/occupation of the development starts the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
10. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.

**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. 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 to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

## REASONS FOR THE DECISION

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

The proposed development is consistent with the primary purpose of Zone MD (Multiple Dwelling Residential) to provide for a range of housing options.

A variation to Clause 7.3.2 (Distance between Residential Buildings on One Site) of the NT Planning Scheme is supported as only two (2) small sections of the required internal separation distances are encroached upon. As these are at ground level only, are not habitable rooms and are set away from the property boundaries, impact upon the neighbouring amenity is considered unlikely.

2. Pursuant to Section 51(h) of the *Planning Act*, the consent authority must take into consideration the merits of the proposed development as demonstrated in the application.

The proposed dwellings are of a custom design, with dynamic and modern features, which will make them aesthetically pleasing while adding to street appeal. The development will offer modern, stylish and new additional housing for people looking to move into the area.

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

**ITEM 2  
PA2012/0067  
APPLICANT**

**SUBDIVISION TO CREATE 3 LOTS  
LOT 9765 (50) UNIVERSITY AVENUE, TOWN OF PALMERSTON  
CIC AUSTRALIA - ELTON CONSULTING**

Ms Wendy Smith (Elton Consulting), Mr Geoff Smith and Mr Jeremy Clark (CIC Australia) attended.

The applicant tabled a subdivision plan – 2 pages.

Submitters:- Mr Kevin Kennedy (Durack Residents Group (DRG)), Mr James Toner and Ms Cheryl Dennis attended.

Documents tabled by DRG:-

- A disc containing further documents tabled by DRG at this meeting except correspondence from the MLA's;
- Summary to DCA hearing of proposed CDU Palmerston subdivision – 1 page;
- CDU Council meeting minutes extracts referencing Palmerston Land Development – 9 pages;

- The future of Charles Darwin University Palmerston Campus 2012 – 9 pages;
- Correspondence from Terry Mills MLA dated 21 March 2012; and
- Correspondence from Gerry Wood MLA dated 16 March 2012.

Interested parties in attendance:- Mr Ross Bohlin MLA and Ms Margaret Clinch (PLan).

**RESOLVED  
25/12**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 9765 (50) University Avenue, Town of Palmerston for the purpose of subdivision to create 3 lots to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

- Evidence of lawful access to each lot from a public road; and
- Written confirmation from Charles Darwin University as owners of the land confirming its support for the boundaries as proposed for Lot A of the subdivision that the area retained by Charles Darwin University is adequate for its future requirements.

**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.

In consideration of the proposed subdivision, the Authority requires the applicant to provide evidence of legally enforceable access to each lot from a public road in order to ensure that each lot when subdivided has access and egress to a public road.

Written confirmation from Charles Darwin University for the proposed subdivision is necessary to address the community's concerns about the University's capacity to expand within the proposed Lot A so it can meet future educational needs of residents in the Palmerston and Rural Areas.

**ACTION:** Advice to Applicant

**RESOLVED  
26/12**

That, pursuant to section 86 of the *Planning Act*, the Development Consent Authority delegate to the Chairman the power under section 53 of the Act to determine the application to develop Lot 9765 (50) University Avenue, Town of Palmerston for the purpose of subdivision to create 3 lots subject to receipt of the additional information that the Authority required the applicants to submit.

**ITEM 3  
PA2011/0805  
APPLICANT**

**6 X 3 BEDROOM MULTIPLE DWELLINGS IN 3 X 2 STOREY BUILDINGS  
LOT 10205 (11) ANNUNCIATA STREET, TOWN OF PALMERSTON  
N.T. CONSULTING ENGINEERS**

Mr Brian Clohsey (owner) attended.

**RESOLVED  
27/12**

That the Development Consent Authority vary the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 10205 (11) Annunciata Street, Bellamack, Town of Palmerston, for the purpose of 6 x 3 bedroom multiple dwellings in 3 x 2 storey buildings subject to the following conditions:

**CONDITION PRECEDENT**

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

**GENERAL CONDITIONS**

2. Works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. The development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
4. Any developments on or adjacent to any easements on site shall be carried out to the requirements and satisfaction of the relevant service authority at no cost to the relevant service authority.
5. 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 plans in accordance with the authorities' requirements and relevant legislation at the time.
6. Before the use 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.
7. 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.
8. Before the use 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.
9. Waste bin storage shall be provided to the requirements of City of Palmerston to the satisfaction of the consent authority.
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 driveways and the public street.
11. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Palmerston City Council, to the satisfaction of the consent authority. and  
The owner shall:
- a) remove disused vehicle and / or pedestrian crossovers;
  - b) provide footpaths / cycleways;
  - c) collect stormwater and discharge it to the drainage network; and
  - d) undertake reinstatement works;
- all to the technical requirements of and at no cost to the City of Palmerston, to the satisfaction of the consent authority.
12. Soil erosion and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
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. 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.
15. 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.

**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. 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 to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

### REASONS FOR THE DECISION

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

The proposed development is consistent with the primary purpose of Zone MD (Multiple Dwelling Residential) to provide for a range of housing options.

A variation to Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme for a minimum front setback distance of 4.3 m, where 6m is required by the Scheme due to Flynn Street being the frontage, is granted as:

- the development will not result in adverse effects of building massing when viewed from adjoining land and the street as it is divided into 3 buildings, spaced 5m apart, has adequate setbacks of 6m to the secondary street boundary, 6m to the eastern side boundary and 7.8m to the western side boundary;
- it unlikely to lead to undue overlooking over adjoining properties as the balconies and verandah's are located on the eastern side of the property, opposite a public park and have been setback 6m from the eastern side boundary;
- breeze penetration will be encouraged through and between the 3 buildings on site; and
- safer traffic movements are provided by locating the properties entry access off Annunciata Street and by doing so the access will not be opposite a public road intersection, as it would be if the property access was via Flynn Circuit.



Overall, it is anticipated that the proposal will be compatible with the surrounding area, which is currently being developed for residential use. There will be no adverse impact on adjacent buildings, the streetscape or surrounding development as the development:

2. Pursuant to Section 51(h) of the *Planning Act*, the consent authority must take into consideration the merits of the proposed development as demonstrated in the application.

The proposed development will provide 6 x 3 bedroom, open plan units with separate yards, verandah's and balconies, double car ports, driveways and adequate breeze ventilation. The yards are large and landscaped, and the site is located within close proximity to a public park.

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

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



**PETER MCQUEEN**  
Chairman

26/3/12