



DEVELOPMENT CONSENT AUTHORITY

PALMERSTON DIVISION

MINUTES

MEETING No. 205 – MONDAY 11 DECEMBER 2017

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

MEMBERS PRESENT: Suzanne Philip (Chair), Steve Ward, Bob Flanagan, Paul Bunker and Seranna Shutt

APOLOGIES: Andrew Byrne

OFFICERS PRESENT: Margaret Macintyre (Secretary), Joseph Sheridan, Alexandra Tobin and Alexander Deutrom (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 10.00 am and closed at 11.00 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 **POLICE STATION IN A 1 X 3 STOREY BUILDING WITH ANCILLARY WATCH**
PA2017/0525 **HOUSE, COMMUNITY CENTRE AND SERVICE BUILDING IN 3 X 1 STOREY**
 BUILDINGS
 LOT 13258 (2) KETTLE STREET, TOWN OF PALMERSTON
APPLICANT **NORTHERN PLANNING CONSULTANTS PTY LTD**

Mr Brad Cunnington (Northern Planning Consultants), Mr Colin Browne (Jackman Gooden - Architects), Mr Ross Tonkin (Ross Tonkin Associates – Architect), Mr Lionel Rosenberg (RPS Project Management) and Mr John Harrison (DIPL) attended.

RESOLVED That, pursuant to section 53(a) of the *Planning Act*, the Development Consent
74/17 Authority consent to the application to develop Lot 13258 (2) Kettle Street, Town
 of Palmerston for the purpose of a Police station in 1 x 3 storey building with
 ancillary watch house, community centre and service building in 3 x 1 storey
 buildings, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the stormwater drainage system shall be submitted to and approved by the City of Palmerston to the satisfaction of the consent authority. The plan shall include details of site levels and stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to the City of Palmerston drainage system.
2. Prior to the endorsement of plans and prior to commencement of works, written confirmation is required from the City of Palmerston that its concerns regarding further landscaping details within Council's road reserve have been addressed.
3. 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 Environment and Natural Resources (DENR). The ESCP must be developed by a suitably qualified and experienced professional in erosion and sediment control planning and in accordance with the Key Principles of erosion and sediment control as specified in the IECA Best Practice Erosion and Control Guidelines 2008. The ESCP should detail methods and treatments for minimising erosion and sediment loss from the site during the construction phase and that all disturbed soil surfaces must be satisfactorily stabilised against erosion at completion of works. Information regarding erosion and sediment control and ESCP content is available at austieca.com.au and the NTG website: nt.gov.au/environment/soil-land-vegetation. The ESCP should be emailed for assessment to: DevelopmentAssessment.DENR@nt.gov.au.

GENERAL CONDITIONS

4. Works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
5. Any proposed work (including the provision or connection of services) within, or impacting upon the Temple Terrace road reserve shall be in accordance with the standards and specifications of the Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics. Design documents must be submitted to the Director Corridor Management, Transport and Civil Services Division for Road Agency Approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".
6. 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.
7. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created.
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. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to City of Palmerston and/or the Transport Civil Services Division of the Department of Infrastructure, Planning and Logistics as the case may be to the satisfaction of the consent authority.
10. 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.
11. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/cycleways;
 - (c) undertake reinstatement works;All to the technical requirements of and at no cost to the City of Palmerston, to the satisfaction of the consent authority.
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.

13. 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.
14. 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. Storage for waste disposal bins is to be provided to the requirements of City of Palmerston to the satisfaction of the consent authority.
17. The loads of all trucks entering and leaving the site are to be constrained in such a manner as to prevent the dropping or tracking of materials onto streets. This includes ensuring that wheels are free of mud and other contaminants before entering the sealed road network. Where the tracked material on the road pavement becomes a potential safety issue, the Developer will be obliged to sweep and clean material off the road, to the requirements of the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority.
18. Where unfenced, the Terrace Temple frontage is to be appropriately fenced to the requirements of the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority.
19. Upon completion of any works within or impacting upon the Temple Terrace, the road reserve shall be rehabilitated to the requirements of the Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority.
20. All works relating to this permit are to be undertaken in accordance with the approved Erosion and Sediment Control Plan (ESCP) to the requirements of the Department of Environment and Natural Resources (DENR), to the satisfaction of the consent authority.
21. Dust control measures must be employed throughout the construction stage of the development to the requirements of the Northern Territory Environment Protection Authority (NT EPA), to the satisfaction of the consent authority.
22. The landowner must ensure that only clean fill (virgin excavated natural material) is accepted at the premises or approval has been granted for the beneficial re-use of any material to be used for this purpose, to the requirements of the Northern Territory Environment Protection Authority (NT EPA), to the satisfaction of the consent authority.

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

2. If you choose nbn to service your development, you will need to enter into a development agreement with nbn. The first step is to register the development via <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html> once registered nbn will be in contact to discuss the specific requirements for the development. Nbn requires you to apply at least 3 months before any civil works commence. All telecommunications infrastructure should be built to nbn guidelines found at <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/builders-designers.html>.
3. 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.
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. 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.
5. The permit holder is advised that the proposal may have assessment implications under section 12 of the *Waste Management and Pollution Control Act*. More information can be found on the Northern Territory Environment Protection Authority (NT EPA) website at: <https://ntepa.nt.gov.au/waste-pollution>. The applicant is encouraged to contact the NT EPA on (08) 8924 4218 or via email ntepa@nt.gov.au.
6. Any floodlighting or security lighting provided on site should be shielded in a manner to prevent the lighting being noticeable or causing nuisance to Temple Terrace traffic, to the requirements of the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics.

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into account the planning scheme that applies to the land to which the application relates. A variation to clause 6.6 (Loading Bays) of the Northern Territory Planning Scheme is granted as the loading bay is considered fit for purpose despite having a clearance 0.5m less than the required 4m.
2. The land is in Zone FD (Future Development) and subject to the provisions of clause 14.5.1 (Palmerston Eastern Suburbs Planning Principles and Area Plan) of the Northern Territory Planning Scheme. The Area Plan envisages the subject land being used primarily for commercial purposes which would ultimately fall within Zone C (Commercial) and the proposed development is considered to be

consistent with the primary purpose of Zone C which is to provide for 'a range of business and community uses'. On this basis, the Authority considers that the proposed development is unlikely to compromise future development in accordance with clause 14.5.1.

3. It is acknowledged that detailed floor plans have not been provided to inform precise car parking requirements pursuant to clause 6.5.1 (Parking Requirements) of the Northern Territory Planning Scheme. Notwithstanding, an assessment based on the net floor areas provided indicates a requirement of 72 parking spaces and the proposal includes a total of 142 car parking spaces plus 6 motorcycle bays. The parking provided is in excess of the minimum requirements outlined by clause 6.5.1 and it is therefore considered that the proposed development complies with the purpose of this clause which is to 'ensure that sufficient off-street parking constructed to a standard and conveniently located is provided to service the proposed use of the site'.

ACTION: Notice of Consent and Development Permit

ITEM 2 **VARIATION TO DP16/0144 TO REMOVE CONDITION 28 WHICH RESTRICTS**
PA2016/0038 **THE HOURS OF OPERATION FOR A MEDICAL CLINIC**
APPLICANT **LOT 14484 (9) LAMBRICK AVENUE, TOWN OF PALMERSTON**
 PLANIT CONSULTING

Ms Cat Tatam (Planit Consulting) attended

RESOLVED That pursuant to section 57(3) of the *Planning Act*, the Development Consent
75/17 Authority consent to the application to vary DP16/0144 by removing condition 28
 which currently limits the medical clinic operating hours to between 8:00am and
 5:00pm on an appointment only basis, except in emergencies for the following
 reasons:

REASONS FOR THE DECISION

1. Pursuant to section 57(3) of the *Planning Act*, the consent authority must only vary a condition of a development permit if the proposed variation will not alter a measurable aspect of the development by a margin greater than 5% or the alteration resulting from the proposed variation is not conveniently measureable and will not materially affect the amenity of adjoining or nearby land or premises.

The Authority considers the nature of condition 28 on DP16/0144 is such that it is not conveniently measureable. However, it is noted that the broader development (inclusive of the medical clinic) has operated for a period of time and there has been no adverse impact on surrounding development that has arisen from a lack of available on site parking. On this basis, the Authority considers that the removal of condition 28 is unlikely to result in an adverse impact on the amenity of adjoining or nearby land.

2. Pursuant to section 51(p) of the *Planning Act* a consent authority must, in considering a development application, take into account the public interest.

After-hours GP services are playing an increasingly important role in the healthcare system, and as such are considered an important community asset. The removal of condition 28 on DP16/0144 would unlock this community asset and provide the surrounding residents with greater access to after-hours healthcare services.

ACTION: Variation to Development Permit

ITEM 3
PA2017/0527
APPLICANT

MIXED USE DEVELOPMENT COMPRISING LEISURE AND RECREATION (GYM) IN 1 X 2 STOREY BUILDING AND VETERINARY CLINIC, MEDICAL CLINIC AND CHILD CARE CENTRE IN 3 X 1 STOREY BUILDINGS
LOT 10282 (133) FLYNN CIRCUIT, TOWN OF PALMERSTON
ZEST PROJECTS

Ms Eavan Coyne and Mr David Anthony (Zest Projects) attended.

RESOLVED
76/17

That, pursuant to section 53(c) of the *Planning Act* the Development Consent Authority refuse to consent to the application to develop Lot 10282 (133) Flynn, Town of Palmerston for the purpose of a Mixed use development comprising leisure and recreation (gym) in 1 x 2 storey building and veterinary clinic, medical clinic and child care centre in 3 x 1 storey buildings 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.

A veterinary clinic, leisure and recreation (gym) facility and a medical clinic are all Discretionary uses in Zone CP (Community Purpose) in the NT Planning Scheme and require consent. The consent authority notes that a Child Care Centre is a permitted use in Zone CP (Community Purpose) and does not require consent provided it complies with the relevant clauses of the NT Planning Scheme.

The proposal is for the development of a mixed use development comprising leisure and recreation (gym) in 1 x 2 storey building and veterinary clinic, medical clinic and child care centre in 3 x 1 storey buildings. The proposal does not comply with the requirements of Clause 8.3 (Setbacks for Commercial Uses Adjacent to Land in Zones SD, MD, MR or HR) of the NT Planning Scheme in relation to the Zone MD (Multiple Dwelling) land adjacent the east side boundary.

Noting the information presented by the applicant, the consent authority considered Clause 2.5 (Exercise of Discretion by the Consent Authority) of the NT Planning Scheme. Sub-clause 2.5(4) states that 'the consent authority may consent to the development of land that does not meet the standard set out in Parts 4 or 5 if it is satisfied that special circumstances justify the giving of consent'.

The consent authority expressed concern that the proposal would adversely impact on the amenity of both the adjoining Lots 10281 and 10283 if a variation to the performance criteria to allow a reduced setback was granted. The consent authority also noted that if it were to grant a reduced setback, it would facilitate what appears to be an

overdevelopment of the site and further jeopardise the existing amenity of adjoining landowners and the broader area.

Furthermore, the consent authority shares the views reflected in the submissions received under section 51(m) of the *Planning Act* from the NT Environmental Protection Authority and the City of Palmerston in which potential amenity impacts on surrounding land were also raised.

The consent authority, having considered the application documents, responses by the relevant service authorities, the Development Assessment Services report, the addendum and submissions made by the applicant at the meeting, circumstances that are unusual, exceptional, out of the ordinary and unexpected in the context of the subject site do not exist pursuant to clause 2.5(4) of the NT Planning Scheme. As such, a variation to the requirements of Clause 8.3 (Setbacks for Commercial Uses Adjacent to Land in Zones SD, MD, MR or HR) of the NT Planning Scheme is not supported.

2. In relation to clause 6.5.1 (Parking Requirements) of the NT Planning Scheme, the consent authority expressed concerns that the use of the gym building is unclear and in particular the 'clubhouse' component. On this basis, the consent authority concluded that further clarification and detailed floor plans should be provided for assessment to ensure that the proposed development would not jeopardise the primary purpose of clause 6.5.1 which is to 'ensure that sufficient off-street car parking, constructed to a standard and conveniently located, is provided to service the proposed use of the site'.
3. Pursuant to Section 51(n) of the *Planning Act*, the consent authority must take into consideration the impact on the existing and future amenity of the area in which the land is situated.

The subject site adjoins a Zone C (Commercial) land located to the west and a Zone MD (Multiple Dwelling Residential) land located to the east. The authority are aware that both sites contain residential development and believe that non-compliance to the requirements of Clause 8.3 (Setbacks for Commercial Uses Adjacent to Land in Zones SD, MD, MR or HR) will impact the existing and future amenity of the area of residents residing on adjoining lots.

4. Pursuant to Section 51(p) of the *Planning Act*, the consent authority must take into consideration the public interest, including; community safety through crime prevention principles in design, water safety and access for person with disabilities.

The proposed child care centre adjoins Zone C (Commercial) land to the west. The abutting building is 3 storeys in height and contains residential components. The applicant at the DCA meeting confirmed this. The consent authority believe that the inclusion of the proposed landscaping, fencing and shade structures do not adequately prevent abutting residential development from overlooking the proposed child care centre.

5. Pursuant to Section 51(m) of the *Planning Act*, the consent authority must take into the public utilities or infrastructure provided in the area in which the land is situated.

The consent authority acknowledges that the proposal includes a traffic impact assessment which addresses access arrangements to and from the site via Forrest Parade and Flynn Circuit. However, the consent authority agreed with the issues raised by City of Palmerston seeking clarification how the accesses across the adjoining site will be legally maintained or the provision of an amended traffic study demonstrating that access from Flynn Circuit only is possible.

ACTION: Notice of Refusal

ITEM 4
PA2017/0328
APPLICANT

GROUND LEVEL CARPARK
LOT 9635 (15) THE BOULEVARD AND LOTS 10025 & 10026 (5 & 1)
PALMERSTON CIRCUIT, TOWN OF PALMERSTON
DEPARTMENT OF INFRASTRUCTURE, PLANNING AND LOGISTICS

Ms Kisha Avellanosa (DIPL) and Mr Foti Papadakis (DIPL) attended.

RESOLVED
77/17

The, the Development Consent Authority vary the requirements of Clause 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 9635 (15) The Boulevard, Lot 10025 (5) Palmerston Circuit and Lot 10026 (1) Palmerston Circuit, Town of Palmerston for the purpose of a ground level car park.

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), to the requirements of the consent authority, to the satisfaction of the consent authority. The amended plans are to include:
 - (a) A dimensional plan demonstrating the safe access/egress of vehicles to and from the subject site; and
 - (b) Clarification regarding how vehicles will access car parking spaces adjacent to the Hillson Street road reserve.

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. This permit will expire 12 months from the date of issue.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity facilities to the development shown

on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

5. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
6. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, site earthworks, vehicular access, pedestrian/ cycle corridors and streetscaping are to be to the technical requirements of the City of Palmerston to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
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. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
9. 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 or occupation of the development starts, the area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) Constructed;
 - (b) Properly formed to such levels that they can be used in accordance with the plans;
 - (c) Surfaced with an all-weather-seal coat;
 - (d) Drained;
 - (e) Line marked to indicate each car space and all access lanes; and
 - (f) Clearly marked to show the direction of traffic along access lanes and drivewaysto the satisfaction of the consent authority.
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
11. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways;
 - (c) collect stormwater and discharge it to the drainage network; and
 - (d) undertake reinstatement works;all to the technical requirements of and at no cost to the City of Palmerston to the satisfaction of the consent authority.

NOTE:

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

REASONS FOR THE DECISION

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

The proposal is considered consistent with the primary purpose of Zone CB (Central Business) as the ground level car park will support the diversity of activities occurring within the zone.

2. A variation to the requirements of Clause 6.5.3 (Parking Layout) subclause(c) is supported provided the applicant is able to demonstrate the safe access/egress of vehicles to and from the subject site and clarifies how vehicles will access the car parking spaces adjacent to the Hillson Street road reserve.
3. A variation to the requirements of Clause 6.5.3 (Parking Layout) subclause 3(g), is supported as:
 - The subject site is proposed to be utilised for a length of 12 months;
 - Landscaping proposed through the car park is expected to act as a buffer and soften the impact of the development when viewed from the street and adjacent properties; and
 - Land adjacent to the car parking spaces south of the proposed car parking area is owned by the City of Palmerston and a 3m landscaping buffer is unable to be provided without consent from the City of Palmerston.
4. Pursuant to Section 51(t) of the *Planning Act*, the consent authority must take into account other matters it thinks fit.

A timeframe of 12 months will allow the consent authority to properly consider the impact of the 'public parking' component of the proposal and ensure that it will not undermine the City of Palmerston's ability to effectively manage parking within the Palmerston CBD.

ACTION: Notice of Consent and Development Permit

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



SUZANNE PHILIP
Chair

14/12/17

