



**DEVELOPMENT CONSENT AUTHORITY**

**PALMERSTON DIVISION**

**MINUTES**

**MEETING No. 209 – WEDNESDAY 18 APRIL 2018**

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

**MEMBERS PRESENT:** Suzanne Philip (Chair), Steve Ward, Bob Flanagan and Mark Blackburn

**APOLOGIES:** Nil

**OFFICERS PRESENT:** Margaret Macintyre (Secretary), Joseph Sheridan, Roxanne Willing and Alexander Deutrom (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Nil

**Meeting opened at 9.45 am and closed at 11.15 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**                    **6 X 4 BEDROOM MULTIPLE DWELLINGS IN 6 SINGLE STOREY BUILDINGS**  
**PA2017/0441**            **IN 4 STAGES**  
**APPLICANT**           **LOT 11946 (3) RUSSELL STREET, TOWN OF PALMERSTON**  
**ASHFORD GROUP PTY LTD**

Mr Randal Ashford (Ashford Group Pty Ltd) and Mr Brad Cunnington (Northern Planning Consultants) attended.

**RESOLVED**            That, pursuant to section 53(c) of the *Planning Act*, the Development Consent  
**16/18**                    Authority refuse to consent to the application to develop Lot 11946 (3) Russell  
Street, Town of Palmerston for the purpose of a 6 x 4 bedroom multiple dwellings  
in 6 storey buildings in 4 stages, 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 proposal is within Zone SP8 (Specific Use Palmerston No 8). The purpose of Zone SP8 (Specific Use 8) is to 'facilitate the subdivision, use and development of the land that provides for housing choice through a range of lot sizes and housing types and includes opportunities for commercial and community uses.' The application includes a multiple dwelling development which would incorporate 6 x 4 bedroom multiple dwellings in 4 single storey buildings in the suburb of Durack Heights. The proposed development is considered to be an over development of the site as it does not comply with the setback requirements set out in Clause 7.3 (Building Setbacks of Residential Buildings) or Clause 7.3.1 (Additional Setback Requirements for Residential Buildings longer Than 18 metres and for Residential Buildings Over 4 Storeys in Height) and does not include appropriate distances between buildings as per Clause 7.3.2 (Distance between Residential Buildings on One Site) of the Northern Territory Planning Scheme.

Pursuant to Clause 2.5 (Exercise of Discretion by the Consent Authority) of the NT Planning Scheme, the Authority may consent to the development of land that does not meet the standards set out in Parts 4 or 5 if it is satisfied that special circumstances justify the giving of consent. Upon considering the above non-compliances, the Authority concluded that sufficient special circumstances were not adequately demonstrated to justify the giving of consent.

2. Pursuant to section 51(n) of the *Planning Act*, the consent authority must also take into account the potential impact on the existing and future amenity of the area in which the land is situated.

The Authority expressed concerns about the development proceeding in 4 stages and whether the amenity of the future residents on site could be adequately managed throughout the staged construction

process. Should development not progress beyond stages 1 and 2, the Authority also expressed concerns that there may be further adverse impacts on the overall amenity of the area.

3. Pursuant to section 51(t) of the *Planning Act*, the consent authority must take into account other matters it thinks fit.

The design of the dwellings does not appear to be family orientated and the subject site is proximate to both the Charles Darwin University (Palmerston Campus) and the new Palmerston Hospital. Despite the provision of car parking in accordance with Clause 6.5.1 (Parking Requirements) of the NT Planning Scheme, the Authority expressed concerns that approving 6 x 4 bedroom multiple dwellings in this location could attract occupants in a share house arrangement which may result in overflow parking on the surrounding street network.

**ACTION:** Notice of Refusal

**ITEM 2  
PA2018/0110  
APPLICANT**

**3 X 3 BEDROOM MULTIPLE DWELLINGS IN A SINGLE STOREY BUILDING  
LOT 11280 (33) CAMM STREET, TOWN OF PALMERSTON  
RAW DESIGNS**

Mr Rob Watt (Raw Designs) attended.

**RESOLVED  
17/18**

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 11280 (33) Camm Street, Town of Palmerston for the purpose of a 3 x 3 bedroom multiple dwellings in a single storey building, subject to the following conditions:

#### **CONDITIONS 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 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.
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 Environment and Natural Resources (DENR). 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. 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 NTP website: <https://nt.gov.au/environment/soil-land-vegetation>. The ESCP should be emailed for assessment to: [DevelopmentAssessment.DENR@nt.gov.au](mailto:DevelopmentAssessment.DENR@nt.gov.au)

## GENERAL CONDITIONS

3. Works carried out under this permit shall be in accordance with the drawings numbered 2018/0110/01 through to 2018/0110/05, 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, electricity facilities and telecommunications to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
6. 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.
7. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the City of Palmerston to the satisfaction of the consent authority.
8. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the City of Palmerston, to the satisfaction of the consent authority.
9. 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.
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 is to be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
12. 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.
13. 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 Consent Authority on the advice of the Department of Environment and Natural Resources (DENR).
14. 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.

15. Storage for waste disposal bins is to be provided to the requirements of City of Palmerston to the satisfaction of the consent authority.
16. Prior to the use/occupation of the development and connection of services (i.e. power and water), the owner of the land must apply for unit/street addressing from the Surveyor-General of the Northern Territory. This will form the legal address and will be required to be placed on the doors and meters within the development in accordance with the allocation. An Occupancy Permit will not be able to be granted until such time as addressing is obtained.
17. Confirmation shall be provided to Development Assessment Services (in the form of an email addressed to the Power and Water Corporation) demonstrating that the Power and Water Corporation has been provided with a copy of the survey plan with the new lot numbers. This is for the purpose of ensuring the relevant Power and Water Information and Billing System is updated. Please provide a copy of an email addressed to both [landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au) and [powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au).

#### **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 in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. 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 08 936 4070 to determine if the proposed works are subject to the Act.
3. Addressing should comply with the Australian Standard (AS/NZS 4819:2011). You should immediately make application to Survey and Land Records for the assignment of address numbers [surveylandrecords@nt.gov.au](mailto:surveylandrecords@nt.gov.au) 08 89955354. The numbers shown on the plans endorsed as forming part of this permit are indicative only and are not for addressing purposes.
4. 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>

## 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 purpose of Zone MD (Multiple dwellings) is to '*provide for a range of housing options to a maximum height of two storeys above ground level*'. The proposal is the construction of 3 x 3 bedroom multiple dwellings on 1090m<sup>2</sup> of land in Zone MD, located within the suburb of Johnston. The proposal is considered to be consistent with the purpose of the Zone.

The proposal complies with the preliminary setback requirements as per Clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) however as the building is 35.2m long it is over 18m in length and Clause 7.3.1 (Additional Setback Requirements for Residential Buildings longer Than 18 metres and for Residential Buildings Over 4 Storeys in Height) is triggered. The building is required to be setback 5.3m from the eastern street boundary where 4.4m is provided. A reduced setback of 0.9m is required, otherwise the proposal is consistent with the requirements of the NT Planning Scheme.

2. Pursuant to section 51(j) of the *Planning Act*, the consent authority must also take into account 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 site is currently undeveloped and considered to be capable of supporting the proposed development. The Department of Environment and Natural Resources has not raised any issues regarding land capability though it has requested a condition precedent for an Erosion and Sediment Control Plan (ESCP). An ESCP has been included in the recommended conditions.

3. Pursuant to Section 51(t) of the *Planning Act*, the consent authority must take into consideration other matters it thinks fit.

The proposal was previously approved in March 2015 as per development permit DP15/0298 which granted a variation to the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) to allow the building to be setback 4.4m from the secondary street where 5.5m was required. In that proposal the building was 35.8m x 17m and granted a reduced setback of 1.1m. The permit was subsequently varied under development permit DP15/0298A for changes to the building layout including a small reduction to the length and width of the building to 35.2m x 16.4m which lead to an increased setback at the secondary street frontage.

The current proposal matches that of the variation plans and thus seeks a variation from 5.3m to 4.4m at the eastern street boundary. As the proposal was originally approved with a reduced setback by 1.1m there is an expectation the authority would approve a reduced setbacks of 0.9m in line with the variation DP15/0298A. It is noted the

requirements of the NT Planning Scheme have not changed in regard to the variation sought.

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

**ITEM 3 WITHDRAWN**

**ITEM 4 SINGLE DWELLING WITH REDUCED PRIVATE OPEN SPACE DIMENSIONS  
PA2018/0104 LOT 14528 (58) SILVERLEAF ROAD, TOWN OF PALMERSTON  
APPLICANT MICHAEL ALAKIOTIS**

Ms Evodika Nistazos (landowner) and Ms Irene Skylas (landowners sister) attended.

**RESOLVED  
18/18**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 14528 (58) Silverleaf Road, Town of Palmerston, for the purpose of single dwelling with reduced private open space dimensions to require the applicant to provide the following additional information the authority considers necessary to enable proper consideration of the application:

- Amended plans which demonstrate a higher level of compliance with the requirements of clause 7.5 (Private Open Space) of the NT Planning Scheme.

**REASON 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 non-compliant with Clause 7.5 (Private Open Space) of the NT Planning Scheme. This clause requires a single dwelling on a lot less than 600m<sup>2</sup> but greater than 300m<sup>2</sup> to provide 50m<sup>2</sup> of private open space, inclusive of an area with minimum dimensions of 6m x 6m. The application proposed 22m<sup>2</sup> of private open space, inclusive of an area with dimensions of 2.34m x 5.77m. A variation to this clause was sought, however, special circumstances could not be established and as such the Authority cannot support an approval. A deferral will give the applicant time to amend their plans and re-submit a more compliant design for consideration by the Authority.

**RESOLVED  
19/18**

That pursuant to section 86 of the *Planning Act*, the Authority delegates to the Chair, or in the Chair'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 14528 (58) Silverleaf Road, Town of Palmerston, for the purpose of a single dwelling with reduced private open space dimensions subject to:

- The provision of amended plans which demonstrate a higher level of compliance with the requirements of clause 7.5 (Private Open Space) of the NT Planning Scheme, and

Conditions as determined by the delegate

**ACTION:** Advice to Applicant

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

**SUZANNE PHILIP**  
**Chair**

23 April 2018