



DEVELOPMENT CONSENT AUTHORITY

PALMERSTON DIVISION

MINUTES

MEETING No 165 – WEDNESDAY 23 JULY 2014

BOULEVARD ROOM
QUEST PALMERSTON
18 THE BOULEVARD
PALMERSTON

MEMBERS PRESENT: Peter McQueen (Chairman), Steve Ward, Denis Burke, Paul Bunker and Andrew Byrne

APOLOGIES: Nil

OFFICERS PRESENT: Nicole Negrete (A/Secretary), Deborah Curry, George Maly and Leonie Hill (Development Assessment Services)

COUNCIL REPRESENTATIVE: Wendy Smith

Meeting opened at 9.45 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 **SHED ADDITION TO AN EXISTING SINGLE DWELLING WITH REDUCED SIDE SETBACK**
PA2014/0430 **LOT 3007 (10) SHORTREDE COURT, TOWN OF PALMERSTON**
APPLICANT **STEVEN ATTWOOD**

Mr Steven Attwood (Applicant) attended.

RESOLVED That, the Development Consent Authority vary the requirements of Clause 6.11
104/14 (Garages Sheds) of the NT Planning Scheme and pursuant to section 53(a) of the
Planning Act, consent to the application to develop Lot 3007 (10) Shortrede Court,
Town of Palmerston for the purpose of a shed addition to an existing single dwelling
with reduced side setback, 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 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.

CONDITIONS:

2. The works carried out under this permit shall be in accordance with the drawings numbered 2014/0430/01 and 2014/0430/02 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. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. 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 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) 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.
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.
4. No additional vehicular access has been approved as part of this permit.

REASONS:

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 purpose of Zone SD (Single Dwelling Residential) of the NT Planning Scheme which is to provide for single dwellings on smaller lots. This proposal relates to a single dwelling and a proposed shed with a reduced side setback and will not alter the primary use of the land.

2. A variation to Clause 6.11 (Garages and Sheds) of the Scheme to allow a side setback of 0.7m is granted as:
 - the single storey appearance of the shed will not result in building massing when viewed from Shortrede Court;
 - the site is constrained by two easements, thus limiting the usable space onsite; and
 - no submissions were received in relation to the shed from the neighbours.
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 site is 801m² in area, is regular in shape and has street frontage to Shortrede Court. The site is currently used for residential purposes.

Provided that stormwater is appropriately managed on site without impacting on surrounding residential areas, and provided that the shed is in keeping with the general design of a private shed, no adverse impact on the surrounding land is anticipated.

ACTION: Notice of Consent and Development Permit

ITEM 2 **SUBDIVISIONS TO CREATE 67 LOTS**
PA2014/0394 **LOTS 11791 (ZUCCOLI) AND 12414 RADFORD ROAD, TOWN OF PALMERSTON**
APPLICANT **JUNE D'ROZARIO & ASSOCIATES PTY LTD**

June D'Rozario (June D'Rozario & Associates) attended.

RESOLVED That, pursuant to section 53(b) of the Planning Act, the Development Consent
105/14 Authority alter the proposed development and consent to the proposed development
as altered to develop Lot 12414 Radford Road, Town of Palmerston for the purpose
of a subdivision to create 68 lots, subject to the following conditions:

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 plan submitted with the application but modified to show:
 - a) that the area provided for the cul-de-sac adjacent proposed lots 303-308 is adequately sized for all driveways, street trees, bins and other services including visitor parking;
 - b) that a pedestrian corridor will be provided across phase 2.2 when this stage of the subdivision is developed;
 - c) land parcels numbered 282, 283 and 284 being removed to ensure that all lots contained in phase 2.4 can be effectively serviced or amended staging plan demonstrating that subject parcels will have access from a public road and be effectively serviced as part of phase 2.3 or 2.4 of the Zuccoli residential subdivision.

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 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 anticipated site levels for each land parcel 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 an Erosion and Sediment Control Plan (ESCP) is to be prepared to the requirements of an independent suitably qualified professional and 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 Department of Land Resource Management advises that 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.

GENERAL CONDITIONS

4. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
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. 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.
7. 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.
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 or Department of Lands Planning and the Environment as the case may be, to the satisfaction of the consent authority.
9. 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.
10. Landscaping and development of streets/roads shall be designed and constructed to the requirements of the Department of Transport, the Department of Land Resource Management, and/or the City of Palmerston, as the case may be, to the satisfaction of the consent authority and all approved works constructed at the owner's expense.

11. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, vehicular access, pedestrian/ cycle corridors and street scaping 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) 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.
3. The Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency'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. 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. 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.
7. The Department of Land Resource Management (DLRM) advises that the development area and surrounding land supports a population of threatened shrub *Atalaya brevialata* and the Howard River Toadlet (*Uperoleila daviesae*)

both of which are respectively listed as critically endangered and vulnerable under the Environment Protection and Biodiversity Conservation Act. DLRM recommends that targeted surveys should be conducted at appropriate times of the year to clarify the presence of *Atalaya breviata* and *Uperoleia daviesae* on the subject and adjacent land and an appropriate mitigation measures be developed should either of these species be found to be present in the area.

8. The Land Development Corporation confirmed in writing that it will use its best endeavours to ensure that the future pedestrian connection between stages 2.1, 2.3, 2.4 and the Zuccoli Parade is provided as part of any future development of the land within Phase 2.2 of Zuccoli residential subdivision.

REASONS FOR THE RECOMMENDATION

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.
2. Amended plans are required to address concerns over:
 - Pedestrian linkages;
 - Timely provision of services to each allotment within the relevant phase of the subdivision;
 - The capacity of each lot to accommodate a dwelling and all associated uses; and
 - Proposed location of easements with respect to building envelopes.
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 another 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 drainage plan for the area is required to ensure that stormwater can be effectively managed on individual lots without any discharge across private boundaries.

ACTION: Notice of Consent and Development Permit

**ITEM3
PA2014/0337**

**15x3 BEDROOM AND 9x2 BEDROOM MULTIPLE DWELLINGS IN 7 TWO
STOREY BUILDING
LOT 10974 FARRAR BOULEVARD (PROPOSED LOT 11313) LIND ROAD, TOWN
OF PALMERSTON.
APPLICANT ELTON CONSULTING**

Wendy Smith (Elton Consulting) attended.

**RESOLVED
106/14**

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 Proposed Lot 11313, Lind Road, Town of Palmerston for the purpose of 15 x 3 bedroom and 9 x 2 bedroom multiple dwellings in 7 x 2 storey buildings, subject to the following conditions:

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:
 - (a) additional landscaping between Units 4 and 5, Units 16 and 17 and Units 20 - 21;
 - (b) additional landscaping between the communal open space and Units 1, 6, 7, 12, 13 and 24;
 - (c) a 1.8m high timber slatted fencing to all internal boundaries between units; and
 - (d) retaining features incorporated into the design of the development.
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 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 underground to Council's system.
3. Prior to the commencement of works an Erosion and Sediment Control Plan (ESCP), including details and location of stormwater drains, is to be prepared to the requirements of an independent suitably qualified professional and 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 Department of Land Resource Management advises that 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.

CONDITIONS:

4. Works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
5. 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.
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. 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 Department of Lands, Planning and the Environment 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 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) 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 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.

11. 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.
12. 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.
13. 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.
14. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
15. 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.
16. Storage for waste disposal bins is to be provided to the requirements of 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 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 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.
3. The Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency'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.

REASONS FOR THE RECOMMENDATION:

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) of the Northern Territory Planning Scheme as it provides for a variety of housing option for potential residents of Johnston.

2. A variation to Clause 7.3 (Building Setbacks of Residential Buildings) of the Scheme to allow a primary street setback of:

- 5.2m - 6m for Units 13 – 16 for structures without external walls;
- 7.1m – 7m for Units 15 and 16 for structures with external wall; and
- 4.7m – 5m for Units 17 – 20 for structures without external walls where:
 - 6.0m is required for structures without external walls; and
 - 7.5m is required for structures with external wallsis granted as:
 - the setbacks to the affected boundary is well articulated due to the unusual shape of the front boundary, and as such no adverse effects of building massing are anticipated when viewed from the street;
 - pool fencing and landscaping have been provided to screen the development from the street so as to soften the impact of the development when view from the street and so as to avoid any undue overlooking of private open space; and
 - the open sided nature of the verandahs will encourage breeze penetration throughout the site.

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 requirement for amended plans incorporating retaining features into the design will ensure that the final development will not have a negative impact on the surrounding land.

Furthermore, provided that an ESCP is developed and implemented and stormwater is managed on site without impacting on the conservation zone and disposed of into City of Palmerston's stormwater drainage system, the land is generally considered capable of accommodating a the proposal.

ACTION: Notice of Consent and Development Permit

ITEM4
PA2014/0275
APPLICANT

SUBDIVISION TO CREATE 3 LOTS
LOT 5694 (1) MANNIKAN COURT, TOWN OF PALMERSTON
FABCOT PTY LTD

Mr Graham Jones (Woolworths) attended on behalf of the applicant.

RESOLVED
107/14

That, pursuant to section 46(4)(b) of the Planning Act, the Development Consent Authority defer consideration of the application to develop Lot 5694 (1) Mannikan Court, Town of Palmerston for the purpose of a 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:

- Amended drawings demonstrating compliance with Clause 13.2 (Land Adjacent to main Roads) of the NT Planning Scheme;
- Written confirmation from the Department of Transport that access from Chung Wah Terrace meets their requirements; and
- Written confirmation from the City of Palmerston that access from Mannikan Court and Lambrick Avenue meets their requirements.

REASONS FOR THE RECOMMENDATION

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.

Written confirmation from the Department of Transport and the City of Palmerston will ensure that access to the site does not prejudice traffic safety.

ACTION: Advice to Applicant

ITEM 5
PA2014/0276

SHOPS, RESTAURANT AND SERVICE STATION
Lot 5694 (1) MANNIKAN COURT, TOWN OF PALMERSTON

APPLICANT

FABCOT PTY LTD

Mr Graham Jones (Woolworths) attended on behalf of the applicant.

Ms Sue McKinnon (Submitter) attended.

RESOLVED
108/14

That, pursuant to section 46(4)(b) of the Planning Act, the Development Consent Authority defer consideration of the application to develop Lot 5694 (1) Mannikan Court, Town of Palmerston for the purpose of shops, a restaurant and a service station 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:

- written confirmation from the Department of Transport confirming that proposed access from Chung Wah Terrace meets their requirements; and

- written confirmation from the City of Palmerston confirming that proposed access from Mannikan Court meets their requirements.

REASONS FOR THE RECOMMENDATION

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.

Written confirmation from the Department of Transport and the City of Palmerston will ensure that access to the site does not prejudice traffic safety.

ACTION: Advice to Applicant

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



PETER MCQUEEN
Chairman

31/7/14