DEVELOPMENT CONSENT AUTHORITY

PALMERSTON DIVISION

MINUTES

MEETING No 146 – MONDAY 10 DECEMBER 2012

BOULEVARD ROOM
QUEST PALMERSTON
18 THE BOULEVARD
PALMERSTON

MEMBERS PRESENT: Peter McQueen (Chairman), Steve Ward, Stuart Delahay, Susan McKinnon and Andrew Byrne

APOLOGIES: Paul Bunker

OFFICERS PRESENT: Margaret Macintyre (Secretary), George Maly, Deborah Curry, Sarah Gooding and Christopher Cheung (Development Assessment Services)

COUNCIL REPRESENTATIVE: Martin Klopper (Sessions 1 & 2 only)

Meeting opened at 9.00 am and closed at 12.30 pm
ITEM 1
PA2012/0804
APPLICANT

6 X 3 BEDROOM MULTIPLE DWELLINGS IN 3 X 2 STOREY BUILDINGS
LOT 10724 (65) FLYNN CIRCUIT, TOWN OF PALMERSTON
DAVID WHITEHEAD

Mr David Whitehead and Mr Brian Clothsey (developer) attended.

RESOLVED
147/12

That, pursuant to section 53(a) of the Planning Act, the Development Consent Authority consent to the application to develop Lot 10724 (65) Flynn, Circuit, Town of Palmerston for the purpose of 6 x 3 bedroom multiple dwellings in 3 x 2 storey buildings, subject to the following conditions:

CONDITIONS

1. Works carried out under this permit shall be in accordance with drawings numbered 2012/0804/1 through to 2012/0804/8 endorsed as forming part of this permit.

2. 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.

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. 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.

5. 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. The Developer shall be responsible for the relocation of the kerb crossovers, driveways or any other relevant infrastructure deemed necessary by the City of Palmerston.

6. The owner shall:
   (a) remove disused vehicle and/or pedestrian crossovers;
   (b) provide footpaths/cycleways;
   (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.
7. 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.

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 0.6 m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.

10. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

11. 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.

12. 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 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. The Power and Water Corporation advises that there is a 1m x 1m electricity easement for the Underground Residential Distribution (URD) pillar on the property. Inappropriate fencing and blocking the 24hr access for operations and maintenance purposes is not permitted.

4. 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 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 3 x townhouse style dwellings located within an MD (Multiple Dwelling) zoned allotment. The purpose of Zone MD (Multiple Dwelling Residential) is to “provide for a range of housing options to a maximum height of two storeys”. It is therefore considered that the proposed development is consistent with the purpose of Zone MD.

The proposal is fully compliant with the requirements of the Northern Territory Planning Scheme.

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.

Provided that stormwater will be appropriately managed on site without impacting on surrounding residential areas and disposed of into City of Palmerston’s stormwater drainage system, no adverse impact on the surrounding land is anticipated.

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

As subdivision works are currently taking place, the amenity of the area is still being developed. The proposal is low density and as such is unlikely to adversely impact on the amenity of the locality.

ACTION: Notice of Consent and Development Permit

ITEM 2 2 x 3 BEDROOM MULTIPLE DWELLINGS IN A SINGLE STOREY BUILDING
PA2012/0788 LOT 10669 (62) CLARKE STREET, TOWN OF PALMERSTON
APPLICANT ONE PLANNING CONSULT

Mr Israel Kgosiemang (One Planning Consult) and Mr Spencer Tom (developer) attended.

RESOLVED 148/12 That the Development Consent Authority vary Clauses 7.3 (Building Setbacks of Residential Buildings) and 7.5 (Private Open Space) of the NT Planning Scheme and pursuant to section 53(a) of the Planning Act consent to the application to develop Lot 10669 (62) Clarke Street, Town of Palmerston, for the purpose of 2 x 3 bedroom multiple dwellings in a single storey building, subject to the following conditions:
CONDITIONS PRECEDENT

1. Prior to endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a schematic plan demonstrating all stormwater to be collected on the site and discharged underground to Council's stormwater drainage system, to the requirements of City of Palmerston and to the satisfaction of the consent authority.

2. Prior to endorsement of plans and prior to the commencement of works (including site preparation works), 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 dense landscaping along the south-west corner boundary which will screen the development from view within two years of planting.

GENERAL CONDITIONS

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

4. 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.

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. 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. The Developer shall be responsible for the relocation of the kerb crossovers, driveways or any other relevant infrastructure deemed necessary by the City of Palmerston.

8. 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.
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.

11. 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.

12. Soil erosion 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. 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 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. The Power and Water Corporation advises that there is a 1m x 1m electricity easement for the Underground Residential Distribution (URD) pillar on the property. Inappropriate fencing and blocking the 24hr access for operations and maintenance purposes is not permitted.

4. 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 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 variation to Clause 7.3.1 (Additional Setback Requirements for Residential Buildings Longer Than 18m and for Residential Buildings Over 4 Storeys in Height) of the NT Planning Scheme to allow a waiver of the additional setback requirements is granted for the following reasons:

- the rear of building frontage has a varied facade, which minimises the visual bulk of the building on the adjoining rear Lot 10668;
- the front boundary is tapered, resulting in a varied front setback of 6.0-7.2m and as such, only sections of the front facade encroach within the setback;
- Landscaping is proposed to be placed along the front boundary to increase the visual amenity of the development on the Eucharia Street streetscape;
- the proposed setback would be consistent with other development on the street, as it does not encroach within the 6.0m setback. As the adjacent single dwellings could locate an open structure within 4.5m of the front boundary, it is unlikely that the reduced setback would have a negative visual impact upon the streetscape; and
- the subject site is located on a corner allotment and the development provides a secondary street setback of 2.8m when 2.5m is required under the NT Planning Scheme.

A variation to Clause 7.5 (Private Open Space) of the NT Planning Scheme to allow a private open space with an area of 5m x 4.4m, rather than the 5m x 5m required, is granted for the following reasons:

- the non-compliance of the minimum dimensions of private open space is the result of the encroachment of a small corner of the building within the private open space area (please refer to figure 2 below); and
- there is a large area screened by existing landscaping on the western side of Unit 2 that could provide additional private open space if required. Whilst only fenced to a height of 1.2m, further landscaping can be established along the corner of Eucharia and Clarke Streets to screen this area from public view.

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.
Provided that stormwater will be appropriately managed on site without impacting on surrounding residential areas and disposed of into City of Palmerston’s stormwater drainage system, no adverse impact on the surrounding land is anticipated.

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

As subdivision works are currently taking place, the amenity of the area is still being developed. The proposal is low density and, with the provision of further landscaping along the corner of Eucharia and Clarke Streets, is unlikely to adversely impact on the amenity of the locality.

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

**ITEM 3**

| ITEM 3 | 3 x 2 BEDROOM AND 8 x 3 BEDROOM MULTIPLE DWELLINGS IN 4 SINGLE STOREY BUILDINGS |
| PA2012/0778 | LOTS 10287 (235) LAMBRICK AVENUE (PROPOSED LOT 11100 (9) GUIDER COURT), TOWN OF PALMERSTON |

**APPLICANT**

Masterplan NT

Mr Brad Cunnington (Masterplan NT) attended.

**RESOLVED**

149/12

That, the Development Consent Authority vary the requirements of Clause 7.3 (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 10287 (235) Lambrick Avenue, (proposed Lot 11100 (9) Guider Court), Town of Palmerston for the purpose of 3 x 2 bedroom and 8 x 3 bedroom multiple dwellings in 4 x single 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 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. Works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.

3. 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.

4. 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 Transport to the satisfaction of the consent authority.

5. 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.

6. All proposed works (including the provision of services) within, or impacting on the Lambrick Avenue road reserve shall 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.

7. No direct access, either for construction purposes or permanently, shall be permitted from the Lambrick Avenue road reserve. All access shall be from the internal road network (via Guider Court) to the standards and approval of City of Palmerston. Construction and delivery vehicles shall not be parked on the Lambrick Avenue road reserve.

8. 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.

9. 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.

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.

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12. 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.

13. The developer shall have carried out works in accordance with AS3671-1989, "Acoustics – Road Traffic Noise Intrusion – Building Siting and Construction" an assessment by a suitably qualified person of the development’s present and predicted future exposure to road traffic noise levels, and where required provide appropriate noise attenuation measures to the satisfaction of the Authority. All noise attenuation works deemed necessary shall be carried out by and at the full cost of the developer and shall be wholly contained (including foundations) within the subject lot.

14. Dryland grassing shall be established on the Lambrick Avenue verge, in accordance with the Department of Transport’s (Road Network Division) standards and requirements, to the satisfaction of the consent authority.

15. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

16. 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.

17. 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 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.

5. 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.
The Developer, his Contractor or Service Provider is required to obtain a “Permit to Work within a Road Reserve” from the Manager Road Operations, Road Projects Division, Department of Construction and Infrastructure (2nd Floor, Highway House, Palmerston) prior to the commencement of any works within the Wishart road reserve.

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) 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 the proposed verandahs of the units adjacent to the south boundary to be located 3.5m where the Scheme requires 4.0m is granted as:

- the proposed verandahs are adjacent to Lambrick Avenue;
- acoustic fencing will be provided to minimise the impact of noise from the road on private open spaces;
- the verandahs will be screened through the provision of landscaping; and
- the setbacks to the affected boundary is well articulated due to the variation in building line, and as such no adverse affects of building massing when viewed from the adjoin land is anticipated.

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 stormwater will be appropriately managed on site without impacting on surrounding residential areas and disposed of into Councils stormwater drainage system, no adverse impact on the surrounding land is 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.

The proposal will provide low density residential dwellings in an area that provides for a mix of housing options. Provided that landscaping effectively screens the development from the street, acoustic fencing is provided to the south boundary abutting Lambrick Avenue and the collection and discharge of stormwater is managed to Council’s
satisfaction, the proposal is considered likely to positively contribute to the future amenity of the locality.

ACTION: Notice of Consent and Development Permit

ITEM 4
PA2012/0851
2 x 3 BEDROOM AND 2 x 2 BEDROOM MULTIPLE DWELLINGS IN A SINGLE STOREY BUILDING
LOT 10974 FARRAR BOULEVARD (PROPOSED LOT 11219 1 FREEMAN STREET), TOWN OF PALMERSTON
APPLICANT GT INVESTMENTS NT PTY LTD

Mr Edward Zjac (Northern Building Designs) attended.

RESOLVED
150/12
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(b) of the Planning Act, the consent to the application to develop Lot 10974 Farrar Boulevard (proposed Lot 11219 (1) Freeman Street), Town of Palmerston for the purpose of 2 x 3 bedroom and 2 x 2 bedroom multiple dwellings in a single storey building, subject to the following conditions:

CONDITIONS

1. Works carried out under this permit shall be in accordance with the drawings numbered 2012/0851/1 through 2012/0851/4, inclusive, endorsed as forming part of this permit.

2. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority.

3. 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.

4. 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.

5. 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.

6. 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.
7. 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.

8. 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.

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.

10. 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.

11. Soil erosion and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

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

a) A variation to Clause 7.3.1 (Additional Setback Requirements for Residential Buildings Longer Than 18m and for Residential Buildings Over 4 Storeys in Height) of the NT Planning Scheme to allow a reduced primary street setback of 8.5m to 6.0m is granted as:

- the building is staggered and as such the degree of encroachment varies. Unit 1 at its closest point is located 6.0m from the front boundary whilst Units 2, 3, and 4 are setback in excess of 9.0m. Therefore, due to the staggered appearance of the building, no adverse effects of building massing are anticipated when viewed from adjoining land or the street;
- the proposed development will be screened by landscaping. As such no impact on building massing is anticipated when viewed from the street; and
- the proposed front setback for Unit 1 would comply with the front setback requirements if it were not for the additional length requirements of Clause 7.3 of the Scheme.

b) A variation to Clause 7.3.1 (Additional Setback Requirements for Residential Buildings Longer Than 18m and for Residential Buildings Over 4 Storeys in Height) of the NT Planning Scheme to allow a reduced rear setback of 4.0m to 3.2m is granted as:

- the building is staggered and as such only Unit’s 1 and 4 encroach on the setback. Therefore, due to the staggered appearance of the building, no adverse effects of building massing are anticipated when viewed from adjoining land;
the proposed setback will be screened by the provision of landscaping. As such no overlooking of private open space is anticipated;

- due to the adherence to all other setback requirements and with the provision of chainmesh fencing, breeze penetration is encouraged throughout the site; and

- the proposed rear setback for Unit’s 1 and 4 would comply with the rear setback requirements if it were not for the additional length requirements of Clause 7.3 of the Scheme.

The proposal is otherwise consistent with all other relevant provisions of the NT Planning Scheme.

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.

The proposed site is 1330m² in area, and is irregular in shape. The site is expected to be cut, filled, and graded as part of the subdivision works and as such is anticipated to be relatively flat. Provided that stormwater is effectively managed on-site, the site is considered capable of supporting the proposed development.

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 landscaping effectively screens the development from the street and the collection and discharge of stormwater is managed to Council’s satisfaction, the proposal is considered likely to positively contribute to the future residential amenity of the locality.

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

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<tr>
<th>ITEM 5</th>
<th>PA2012/0765</th>
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<td>2 x 3 BEDROOM AND 1 x 2 BEDROOM MULTIPLE DWELLINGS IN A SINGLE STOREY BUILDING</td>
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<tr>
<td>LOT 9637 (152) FORREST PARADE, TOWN OF PALMERSTON</td>
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<td>APPLICANT</td>
<td>SAVVAS SAVVAS</td>
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Mr Savvas Savvas attended.

**RESOLVED 151/12**

That, the Development Consent Authority vary the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) of NT Planning Scheme and pursuant to section 53(b) of the Planning Act, alter the proposed development and consent to proposed development as altered to develop Lot 9637 (152) Forrest Parade, Town of Palmerston for the purpose of 2 x 3 bedroom and 1 x 2 bedroom multiple dwellings in a single storey, subject to the following conditions:

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These minutes record persons in attendance at the meeting and the resolutions of the Development Consent Authority on applications before it. Reliance on these minutes should be limited to exclude uses of an evidentiary nature.
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 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 endorsement of plans and prior to the commencement of works (including site preparation works), 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:

   - The location of all air-conditioning units;
   - The provision of solid fencing adjacent to air-conditioning units;
   - Impervious treatment to the ground adjacent to the bathrooms of units 2 and 3 and the rear boundary; and
   - Amended fencing which will allow breeze penetration through the site.

GENERAL CONDITIONS

3. 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.

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 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 the 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. The owner shall:
   (a) remove disused vehicle and/ or pedestrian crossovers;
   (b) provide footpaths/ cycleways;
   (c) undertake reinstatement works;

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All to the technical requirements of and at no cost to the City of Palmerston, to the satisfaction of the consent authority.

9. 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.

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. 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.

13. Soil erosion and dust control measures must be employed throughout the construction stage of the development 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.

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) 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. 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 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 Dwelling Residential) of the Scheme is to “provide for a range of housing options to a maximum height of two storeys”. The proposed development is for 2 x 3 bedroom and 1 x 2 bedroom multiple dwellings in a single storey building. 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 options for potential residents in Rosebery.

a) A variation to Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme to allow the proposed verandahs of the units adjacent to allow a front setback of 4.2m where 6.0m is required is granted as:

- only a portion of the building (approximately one third) encroaches on the front setback due to the unique shape of the lot;
- the proposed development will be screened by combination of fencing materials and landscaping. As such no impact on building massing is anticipated when viewed from the street; and
- as the development is screened from the view of the street, no overlooking is anticipated.

b) A variation to Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme to allow the proposed verandahs of the units adjacent to allow a rear setback of 0.3m where 1.5m is required is granted as:

- only the bathrooms of the building encroach on the rear setback;
the setback is facing parkland and is shielded by a series of shaded trees and as such no overlooking of private open space is anticipated;
• the reduced setback is not anticipated to impact on building massing due to the varying facade of the building; and
• the reduced setback aids in separating and screening private open space areas between units located at the rear of the site.

c) A variation to Clause 7.3.1 (Additional Setback Requirements for Residential Buildings Longer Than 18m and for Residential Buildings Over 4 Storeys in Height) of the NT Planning Scheme to allow a reduced side setback of 1.0m to 3.5m is granted as:

• only a small portion (unit 1) of the building encroaches on the setback;
• the reduced setback is due to the irregular shape of the side boundary;
• the affected neighbour of the reduced side setback will be shielded by the provision of good neighbour fencing and as such no overlooking into habitable rooms is anticipated; and
• the reduced setback is not anticipated to impact on building massing due to the varying facade of the building.

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.

Once titles are formalised for the newly created lots, the site will have an area of 949m², will be irregular in shape, and be located within a cul-de-sac. The site is currently being cut, filled, and graded as part of the subdivision works and as such is anticipated to be relatively flat. Provided stormwater is managed on-site, the site is considered capable of supporting the proposed development.

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.

As the proposal is considered to be of high quality and design, it is anticipated that the proposal will positively contribute to the future residential amenity of the locality.

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

<table>
<thead>
<tr>
<th>ITEM 6</th>
<th>SUBDIVISION TO CREATE TWO LOTS</th>
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<tbody>
<tr>
<td>PA2012/0862</td>
<td>LOT 6940 (10) BRIDLE ROAD, TOWN OF PALMERSTON</td>
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<tr>
<td>APPLICANT</td>
<td>JUNE D’ROZARIO &amp; ASSOCIATES PTY LTD</td>
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</table>

Ms June D’Rozario (June D’Rozario and Associates Pty Ltd) and Ms Emma Williams (owner) attended.
Ms D’Rozario tabled a response to the DAS report. That, pursuant to section 46(4)(b) of the Planning Act, the Development Consent Authority defer consideration of the application to develop Lot 6940 (10) Bridle Road, Town of Palmerston for the purpose of a subdivision to create 2 lots to require the applicant to provide the following information that the authority considers necessary to enable proper consideration of the application:

A report from a suitably qualified professional demonstrating:
- that each of the newly created lots will have 0.4ha of unconstrained land;
- the likely impact of flood or storm surge event on Bridle Road and the access to the site; and
- that soils on each proposed allotment are capable of supporting further residential development.

**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.

Clause 6.14(8) (Land Subject to Flooding and Storm Surge) of the NT Planning Scheme recommends that residential uses should be avoided on land affected by Secondary Storm Surge events.

Clause 11.1.1 (Minimum Lot Sizes and Requirements) of the NT Planning Scheme requires each lot in zone RR (Rural Residential) of the Scheme to have a minimum of 0.4ha of unconstrained land and that the Authority must not consent to a subdivision that reduces the minimum by more than 5%.

Specific information on what constraints exist and how they affect the site and/or the proposed allotments will enable the Development Consent Authority to consider the proposal’s compliance with the provisions of the NT Planning Scheme.

**ACTION:** Advice to applicant

**ITEM 7 SUBDIVISION TO CREATE 8 LOTS**

**PA2012/0826 LOT 11505 (20) ROYSTONEA AVENUE, TOWN OF PALMERSTON**

**APPLICANT ELTON CONSULTING**

Mr Martin Klopper (Elton Consulting) attended.

**RESOLVED 153/12**

That, pursuant to section 53(a) of the Planning Act, the Development Consent Authority consent to the application to develop Lot 11505 (20) Roystonea Avenue for the purpose of a subdivision to create 8 (eight) additional lots, subject to the following conditions:
CONDITIONS

1. Works carried out under this permit shall be in accordance with the drawings numbered 2012/0826/1 through to 2012/0826/4 endorsed as forming part of this permit.

2. The applicant shall demonstrate to the satisfaction of the consent authority how potential purchasers will be informed about the specific terms of the SU8 zone of the NT Planning Scheme, and in particular how the requirements of endorsed setback plan and house and land package documentation apply to each site.

3. 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.

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

6. Access shall not be permitted to the site, either for construction purposes or permanently, from the Roystonea Avenue road reserve other than via the newly constructed access off Roystonea Avenue opposite Yarrawonga Road.

7. 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.

8. Any services or connections within the Roystonea Avenue road reserve are subject to the Department of Transport’s approval. Methods of construction for the installation of services shall be such that all works are contained within the appropriate Nominal Service Corridor.

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. Soil erosion control and dust control measures must be employed throughout the construction stage of the subdivision 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. 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.

5. 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.

3. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from Department of Land Resource Management.

4. 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 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 subdivision of 4 (four) lots approved by Development Permit DP12/0285 into 12 lots creates 8 additional lots consisting of 7 (seven) multiple dwelling lots and 1 (one) additional community purpose lot, plus road reserve area within Stages 1 and 2.

The total number of lots in Stages 1 and 2 of the Height Residential Development is now 111 allotments.

The applicant has demonstrated that this proposal is relatively minor in terms of the overall approved subdivision and as such it will not impact upon the Development Design Philosophy or Subdivision Principles of SP8 (Specific Use Palmerston 8) of the NT Planning Scheme that have been endorsed as part of Stages 1 and 2 of the Heights residential estate.
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.

The portion of Lot 11505 Town of Palmerston subject to this application was recently determined to be capable of supporting a variety of residential uses. This proposal will only amend cadastral boundaries and will not change the land-use approved by DP12/0285. The land is therefore considered to be capable of accommodating the subdivision without an adverse impact on physical characteristics of other land in the locality.

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

**ITEM 8**  
**PA2012/0856**  
**APPLICANT** DPL DEVELOPMENTS PTY LTD

Mr Darron Lyons (DPL Development Pty Ltd) sent his apologies.

Mr Israel Kgosiemang (One Planning Consult) attended on behalf of the applicant.

**RESOLVED**  
**154/12**

That, pursuant to section 53(a) of the Planning Act, the Development Consent Authority consent to the application to develop Lot 10610 295 Forrest Parade, Town of Palmerston for the purpose of 3 x 3 bedroom multiple dwellings in 3 x 2 storey buildings, subject to the following conditions:

**CONDITION 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 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 points. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council’s 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. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority.
4. 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.

5. 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.

6. 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.

7. 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.

8. 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.

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.

11. 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.

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

   Furthermore, it is noted that the proposed development complies with all relevant provisions of the NT Planning Scheme.

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.

   The site is 979m² in area, is irregular in shape, and has two street frontages. The site is expected to be cut, filled, and graded as part of the subdivision works. Once subdivision works have been completed, it is anticipated that the site will be relatively flat, and provided that
stormwater is effectively managed on-site, the site is considered capable of supporting the proposed development.

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 subject proposal will provide for a mix of housing options in Bellamack. Provided that landscaping effectively screens the development from the street and the collection and discharge of stormwater is managed to Council’s satisfaction, the proposal is considered likely to positively contribute to the future residential amenity of the locality.

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

<table>
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<tr>
<th>ITEM</th>
<th>DESCRIPTION</th>
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<tr>
<td>9</td>
<td>3 X 3 BEDROOM MULTIPLE DWELLINGS IN 3 X 2 STOREY BUILDINGS</td>
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<tr>
<td></td>
<td>LOT 10032 (395) CHUNG WAH TERRACE (PROPOSED LOT 10589), TOWN OF PALMERSTON</td>
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</tbody>
</table>

**APPLICANT** DPL DEVELOPMENTS PTY LTD

Mr Darron Lyons (DPL Development Pty Ltd) sent his apologies.

Mr Israel Kgosiemang (One Planning Consult) attended on behalf of the applicant.

**RESOLVED**

That, the Development Consent Authority vary the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) of NT Planning Scheme and pursuant to section 53(a) of the Planning Act, consent to the application to develop Lot 10032 (395) Chung Wah Terrace, (proposed Lot 10589) Town of Palmerston for the purpose of 3 x 3 bedroom multiple dwellings in 3 x 2 storey buildings, subject to the following conditions:

**CONDITION 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 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. Works carried out under this permit shall be in accordance with the drawings 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.

4. 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.

5. 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.

6. 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.

7. The owner shall:
   (a) remove disused vehicle and/or pedestrian crossovers;
   (b) provide footpaths/cycleways;
   (c) undertake reinstatement works;

8. All to the technical requirements of and at no cost to the City of Palmerston, to the satisfaction of the consent authority.

9. 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.

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. 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.
13. Soil erosion and dust control measures must be employed throughout the construction stage of the development 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.

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) 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. 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 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) of the Northern Territory Planning Scheme as it provides for a variety of housing options for potential residents in Bellamack.
A variation to Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme to allow a reduced primary street setback of 1.5m for the verandah/balcony is granted as:

- the proposed verandah/balcony are open sided structures which will not result in massing when viewed from the street;
- a picket fence will assist in screening the verandah from view of the street;
- the reduced setback is due to the irregular shape of the lot; and
- the site is located opposite a multiple dwelling site and wildlife habitat corridor and as such no overlooking is anticipated.

A variation to Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme to allow a reduced primary street setback of 4.6m for the building is granted as:

- the reduced setback is due to the irregular shape of the lot;
- only one dwelling will have frontage to the primary street whilst the other two dwellings will have frontage to the secondary street;
- a 7.9m setback has been provided from units 2 and 3 to the secondary street;
- the adherence to all other setback requirements will encourage breeze penetration throughout the site; and
- the architectural design of the overhanging tier, the angled slope of the roofline, the inclusion of a balcony and verandah at the front, and the provision of landscaping will reduce any adverse affects of building massing when viewed from the street.

The proposal is otherwise consistent with all other relevant provisions of the NT Planning Scheme.

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.

The site is 943m² in area, is irregular in shape, and has two street frontages. The site is expected to be cut, filled, and graded as part of the subdivision works and as such is anticipated to be relatively flat. Provided that stormwater is effectively managed on-site, the site is considered capable of supporting the proposed development.

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 subject proposal provides for a mix of housing options in Bellamack. Provided that landscaping effectively screens the development from the street and the collection and discharge of stormwater is managed to
Council’s satisfaction, the proposal is considered likely to positively contribute to the future residential amenity of the locality.

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

**ITEM 10**
**PA2012/0864**
**APPLICANT**

SERVICE STATION
LOT 9603 (8) MIDDLETON STREET, TOWN OF PALMERSTON
PLANIT CONSULTING PTY LTD

DAS tabled an addendum - further comment from City of Palmerston.

The applicant did not attend the meeting.

**RESOLVED 156/12**

That, the Development Consent Authority vary the requirements of Clause 9.1.1 (Industrial Setbacks) 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 9603 (8) Middleton Street, Town of Palmerston for the purpose of a service station, 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 an access to the site from the Stuart Highway Service Road to the requirements and approval of the City of Palmerston and to the satisfaction of the consent authority.

2. Prior to the endorsement of plans and prior to 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 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 endorsement of plans and prior to commencement of works (including site preparation), a Traffic Impact Assessment, detailing the traffic impact of the proposed land use and ultimate development of the lot on the road network and recommended road infrastructure to accommodate the traffic impacts is to be submitted to and approved by the consent authority on the advice of City of Palmerston and an endorsed copy of the Assessment will form part of this permit. All works relating to this permit are to be undertaken in accordance with the endorsed Traffic Impact Assessment to the satisfaction of the consent authority.

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These minutes record persons in attendance at the meeting and the resolutions of the Development Consent Authority on applications before it. Reliance on these minutes should be limited to exclude uses of an evidentiary nature.
4. Prior to the endorsement of plans and prior to commencement of works (including site preparation), a landscape plan to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and two copies must be provided. The plan must show:

(a) details of surface finishes of pathways and driveways;
(b) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
(c) no hedge, tree or other landscaping exceeding a height of 0.6 m is to be planted or erected around the proposed setback reduction so that it would obscure sight lines within or from Middleton Street;
(d) landscaping and planting within all open areas of the site; and
(e) provision of an in-ground irrigation system to all landscaped areas.

All species selected must be to the satisfaction of the consent authority.

5. Prior to the endorsement of plans and prior to commencement of works (including site preparation), the following information must be submitted to an approved by the consent authority on advice of the Environment Protection Authority:

a) a site sensitivity assessment and the development of a conceptual site model for the petrol station site suitability;
b) details of the design standards that have been or proposed to be followed;
c) details of waste and water management in forecourt areas;
d) details of waste controls and management associated with proposed vehicle repairs and services;
e) a copy of each list of industry standards that are to be followed and a copy of all specifications to be or have been used;
f) specific information about the storage system or the current as built drawings for the system;
g) the identity and contact details of the person(s) responsible, including affiliations with oil and petroleum major companies, for all parts of the system;
h) systems for detecting and monitoring leaks;
i) a loss and incident management procedure;
j) details about system maintenance;
k) locations of groundwater monitoring wells and a program to test them;
l) systems in place for record keeping, reporting of leaks, details of commissioning and decommissioning; and
m) an environment protection plan.

GENERAL CONDITIONS

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

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 Palmerston City Council 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 Palmerston City Council, to the satisfaction of the consent authority.

10. 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 Palmerston City Council, to the satisfaction of the consent authority.

11. 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.

14. 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.

15. Soil erosion 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 use is not started within two years of the date of this permit; or
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. 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. 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.

5. Notwithstanding the approved plans, all signage is subject to the City of Palmerston’s approval, at no cost to Council.

6. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the Building Code of Australia, the NT Public Health Act and Regulations, the NT Food Act and National Food Safety Standards.

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 LI (Light Industry) is to provide for light industry uses or development activities that will not by the nature of their operations, detrimentally affect adjoining land. It is considered that the proposed service station is consistent with the purpose of Zone LI as the service station will is unlikely to admit noise, smoke, vapour, soot, ash etc.

A variation to Clause 9.1.1 (Industrial Setbacks) of the Scheme is supported as:

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• only a small corner of the building encroaches into the minimum setback requirements and as such no adverse affects of building massing is anticipated when viewed from the street;
• the proposed setback reduction is located along relatively unused portion of Middleton Street;
• the proposed development meets all other setback requirements; and
• no public submissions were received.

2. Amended plans and further information are required to:
• address environmental requirements of EPA,
• address concerns of City of Palmerston over potential traffic conflict; and
• ensure that impact of reduced setback on the amenity of the locality is minimised and whilst sightlines in Middleton Road are maintained to a suitable safety standard.

3. 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 subject site is located within a light industrial area. Provided that landscaping is provided to soften the development on the streetscape the proposal and an Environmental Protection Plan is approved the proposed development is considered likely to positively contribute to the future amenity of the locality.

4. 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 land is within an existing light industrial and service commercial area, and is considered capable of supporting the development as proposed.

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

**ITEM 11**
PA2012/0869

4 X 3 BEDROOM MULTIPLE DWELLINGS IN A 2 STOREY BUILDINGS
LOT 10974 FARRAR BOULEVARD (PROPOSED LOT 11137), TOWN OF PALMERSTON

**APPLICANT**
RANDAL ASHFORD

Pursuant to section 97 of the Planning Act, Sue McKinnon a member of the Palmerston Division of the Development Consent Authority declared and interest and did not take part in the deliberation of this item.

Mr Randal Ashford attended and tabled amended plans.

**RESOLVED**
That, pursuant to section 46(4)(b) of the Planning Act, the Development Consent

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These minutes record persons in attendance at the meeting and the resolutions of the Development Consent Authority on applications before it. Reliance on these minutes should be limited to exclude uses of an evidentiary nature.
Authority defer consideration of the application to develop Lot 10974 Farrar Boulevard (Proposed Lot 11137), Town of Palmerston to require the applicant to provide the following additional information that the authority considers necessary to enable proper consideration of the application:

- amended plans showing 3 dwellings on the site in accordance with provisions of Clause 7.1.1 (Residential Density Limitations) of the Northern Territory Planning Scheme.

**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 proposal's compliance with the NT Planning Scheme, the Authority took into account the provisions Clause 2.5 (Exercise of Discretion by the Consent Authority) of the NT Planning Scheme, which requires it to consider the proposed use or development in its entirety and consent to the development of land that does not meet the standard set out in Parts 4 or 5 only if it is satisfied that special circumstances justify the giving of consent.

A variation to Clause 7.1.1 (Residential Density Limitations) of the Northern Territory Planning Scheme to allow a density of 245.5m$^2$ per dwelling where 300m$^2$ is required is not granted as neither the applicant, in all their submissions, or the assessment report from Development Assessment Services identified circumstances the Authority could consider special to justify such a significant variation sought. Furthermore, the City of Palmerston is unable to support the granting of a Development Permit as only three dwellings are permitted on the site under the provisions of the Northern Territory Planning Scheme.

As no special circumstances have been demonstrated in the application to justify the provision of an additional dwelling on the site, the Authority, taking into account all matters relating to the proposal, resolved not to support the development at the density level proposed.

**RESOLVED**

That pursuant to section 86 of the Planning Act, the Development Consent Authority 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 10974 Farrar Boulevard (proposed Lot 11137), Town of Palmerston for the purpose of 4 x 3 bedroom multiple dwellings in a 2 storey building, subject to amended plans demonstrating compliance with Clause 7.1.1 (Residential Density Limitations) of the NT Planning Scheme.
REASON FOR THE DECISION

1. The resolution to delegate to the chairman the powers to determine the application will mean once the required information has been provided consideration can be given to the application without delay.

ACTION: Advice to Applicant

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

PETER MCQUEEN
Chairman

14/12/12