

**DEVELOPMENT CONSENT AUTHORITY**

**PALMERSTON DIVISION**

**MINUTES**

**MEETING No 172 – WEDNESDAY 21 JANUARY 2015**

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

**MEMBERS PRESENT:** Denis Burke (Chairman), Steve Ward, Grant Tambling, Paul Bunker and Andrew Byrne

**APOLOGIES:** Nil

**OFFICERS PRESENT:** Margaret Macintyre (Secretary), Deborah Curry, Anthony Brennan and Leonie Gleeson (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Wendy Smith

**Meeting opened at 9.15 am and closed at 3.00 pm**

**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**  
**PA2014/0912**           **REDUCED SIDE AND REAR SETBACKS**  
**APPLICANT**           **LOT 9628 (20) LATRAM COURT, TOWN OF PALMERSTON**  
**KIRK AND RAELEEN MARSHALL**

Mr Adam Twomey (Builder- Adamant) attended.

**RESOLVED**            That, the Development Consent Authority vary the requirements of Clause 6.11  
**07/15**                    (Garages and Sheds), of the Northern Territory Planning Scheme, and pursuant to  
section 53(a) of the *Planning Act*, consent to the application to develop Lot 9628 (20)  
Latram Court, Town of Palmerston for the purpose of a shed addition to an existing  
dwelling with reduced side and rear setbacks, subject to the following conditions:

#### **CONDITIONS PRECEDENT**

1. 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 or the Department of Transport's underground stormwater drainage system shall be submitted to and approved by the City of Palmerston or the Department of Transport, 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 and approval to carry out works shall be obtained prior to the commencement of construction, 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, 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 City of Palmerston or the Department of Transport 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.

## REASONS FOR THE DECISION

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

A variation to Clause 6.11 (Garages and Sheds) of the Scheme to allow a reduced side setback of 1.38m is granted as:

- the variation is considered to be minor;
- the shed is in line with the existing dwelling which has a reduced side setback;
- the shed is a single storey structure and as such no adverse effects of building massing are anticipated when viewed from the adjoining lot;
- the shed will provide additional privacy for neighbours on Lot 9627 (19) Latram Court as the shed will be located adjacent to their pool and private open space; and
- the neighbours on Lot 9627 (19) Latram Court have advised that they have no objections to the shed.

A variation to Clause 6.11 (Garages and Sheds) of the Scheme to allow a reduced rear setback of 1.24m is granted as only a small portion of the shed encroaches into the setback due to the unusual shape of the rear boundary and the rear of the property abuts the Roystonea Avenue Road reserve and the nearest pathway is located approximately 19m from the boundary it is considered that no adverse effects of building massing are anticipated when viewed from the Roystonea Avenue Road reserve.

Furthermore, in accordance with Development Permit DP00/0267 and its subsequent variation permits it is considered that extenuating circumstances have been provided to warrant a reduced side and rear setback.

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.

Located within the suburb of Gunn the subject site has an area of 829m<sup>2</sup>, is generally rectangular in shape with a skewed rear boundary to Roystonea Avenue and a primary street frontage to Latram Court. The site is currently improved by a single residential dwelling.

Provided that stormwater is appropriately managed on site without impacting on surrounding residential areas no adverse impact on the surrounding land is anticipated.

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

**ITEM 2**                      **CARPORT ADDITION TO AN EXISTING SINGLE DWELLING**  
**PA2014/0920**                **WITH A REDUCED SIDE SETBACK**  
**APPLICANT**                **LOT 3806 (11) VERNIER CIRCUIT, TOWN OF PALMERSTON**  
**RAW DESIGNS**

The applicant sent his apologies.

**RESOLVED**                That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent  
**08/15**                        Authority defer consideration of the application to develop Lot 3806 (11) Vernier  
Circuit, Town of Palmerston at the request of the applicant as he and the owner are  
on leave interstate and wish to represent the application in person:

**ACTION:** Advice to applicant

**ITEM 3**                      **2 X 3 BEDROOM MULTIPLE DWELLINGS IN A SINGLE STOREY BUILDING**  
**PA2014/0967**                **LOT 12734 (48) CROSBY STREET, TOWN OF PALMERSTON**  
**APPLICANT**                **IRENE REISIS**

The applicant did not attend.

**RESOLVED**                That, the Development Consent Authority vary the requirements of Clause 7.3  
**09/15**                        (Building Setbacks of Residential Buildings) of the Northern Territory Planning  
Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application  
to develop Lot 12734 (48) Crosby Street, Town of Palmerston for the purpose of a 2 x  
3 bedroom multiple dwellings in a single storey building, 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:
  - details regarding the proposed fencing types;
  - details regarding the proposed retaining walls and the relationship between proposed fencing and retaining walls; and
  - the heights of retaining walls and fences when viewed from adjoining properties and from onsite.
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) is to be submitted to and approved by the consent authority on the advice of the Department of Land Resource Management. The plan should detail methods and treatments for minimising erosion and sediment loss from the site during the construction phase. The IECA Best Practiced Erosion and Sediment Control Guidelines 2008 may be referenced as a guide to the type of information, detail and data that should be included in an ESCP. Information regarding erosion and sediment control and ESCP content is available at [www.austieca.com.au](http://www.austieca.com.au) and the Department's website <http://lrm.nt.gov.au/soil/management>.

## GENERAL CONDITIONS

4. Works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
5. Any 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 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. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
14. All air conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
15. Storage for waste disposal bins is to be provided to the requirements of City of Palmerston to the satisfaction of the consent authority.

## 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 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. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.

## 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 Zuccoli.

A variation to Clause 7.3 (Building Setbacks of Residential Buildings) of the Scheme is granted as:

- only a small portion of the building encroaches into the setback;
- the setbacks to the affected boundary is well articulated due to the unusual shape of the boundary, and as such no adverse effects of building massing are anticipated when viewed from the neighbouring property. The articulation of the building will also encourage breeze penetration through the site;

- the proposal is consistent with the blanket setback plan and as such it is considered that the dwellings will be compatible with the streetscape and surrounding development which is anticipated in the locality; and
  - no submissions were received.
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 is managed on site without impacting on adjoining properties and disposed of into City of Palmerston's stormwater drainage system and provided that an Erosion and Sediment Control Plan is developed and implemented the land is considered capable of supporting the development, the land is generally considered capable of accommodating a multiple dwelling development.

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

**ITEM 4**  
**PA2014/0971**  
**APPLICANT**

**3 X 3 BEDROOM MULTIPLE DWELLING IN 3 X 2 STOREY BUILDINGS**  
**LOT 5434 (76) MAURICE TERRACE, TOWN OF PALMERSTON**  
**POATINA PTY LTD**

Mr Stephen Wild and Mr Dave Smith (Builders – Contemporary Living Solutions) attended on behalf of the applicant.

**RESOLVED**  
**10/15**

That, pursuant to section 53(b) of the *Planning Act*, the Development Consent Authority alter the proposed development and consent to the proposed development as altered to develop Lot 5434 (76) Maurice Terrace, Town of Palmerston for the purpose of 3 x 3 bedroom multiple dwelling in 3 x 2 storey buildings, 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:
  - detailed landscaping design, including additional dense vegetation to be provided between each building capable of providing screening (heights at maturity to be noted on site plan);
  - locations of airconditioning condensers associated with each unit and proposed screening measures;
  - rear boundary fencing constructed as a solid fence not less than 1.8 metres



- high;
- fencing to the perimeter of the site with the exception of the rear boundary, constructed of materials with openings which provide both breeze penetration and privacy to a height of 1.8m; and
  - all fencing constructed to a height of 1.8m.
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.

### 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 and approval to carry out works shall be obtained prior to the commencement of construction, 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, 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 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;
- All to the technical requirements of and at no cost to the City of Palmerston, to the satisfaction of the consent authority.
9. All proposed work affecting the Roystonea Avenue road reserve is to be designed, supervised and certified on completion by a Chartered Professional Civil Engineer in accordance with the standards and specifications of the Department of Transport to the satisfaction of the consent authority.

10. No access, neither temporary nor permanently, shall be permitted to the lot from the Roystonea Avenue road reserve. All access arrangement shall be via Maurice Terrace to the standards and requirements of the City of Palmerston 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. Upon completion of the works, all disturbed areas within the Roystonea Avenue road reserve shall be rehabilitated to the standards and requirements of the Department of Transport to the satisfaction of the consent authority.
15. Where unfenced, the Roystonea Avenue road frontage is to be appropriately fenced in accordance with the Department of Transport's standards and requirements to the satisfaction to the consent authority.
16. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
17. 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.
18. Storage for waste disposal bins is to be provided to the requirements of City of Palmerston to the satisfaction of the consent authority.
19. All balconies are to be internally drained and discharge is to be disposed of at ground level and in a manner consistent with stormwater disposal arrangements for the site to the satisfaction of the consent authority.
20. Stormwater run-off from the development onto the Roystonea Avenue road reserve is not permitted.

21. Ensure all fill and batters are contained wholly within the property boundary and do not extend into the Roystonea Avenue road reserve.

**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. A "Permit to Work Within a Road Reserve" may be required from the Department of Infrastructure before commencement of any work within the road reserve.
4. The Developer is advised to consider the Department's Policy "Road Traffic Noise on Northern Territory Government Controlled Roads: and have carried out, in accordance with AS3671 *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. Where required, the Developer shall provide appropriate noise attenuation measures to the satisfaction of the consent authority.
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.
6. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.

**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 area.

- a) As the proposed development is site adjacent to land within Zone MD (Multiple Dwelling Residential) of the Scheme the Roystonea Avenue Road Reserve and Maurice Terrace street frontage it is considered that compliance with the requirements of Clause 7.5 (Private Open Space) of the Scheme will increase the amenity of future residence of the site.
  - b) Amended plans demonstrating compliance with Clause 7.8 (Building Design for Multiple Dwellings, Hostels and Supporting Accommodation) of the Scheme will ensure that the proposal will not unreasonably affect the use and enjoyment of adjacent land.
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 is managed on site without impacting on adjoining properties and disposed of into City of Palmerston's stormwater drainage system, the land is generally considered capable of accommodating a multiple dwelling 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:

- the landscaping effectively screens the development from the street;
- air conditioner condensers are screen from street view and from view of the neighbouring properties;
- appropriate acoustic fencing and building materials are utilised; and
- the collection and discharge of stormwater is managed to Council's satisfaction,

the multiple dwellings are not considered likely to impact on the existing and future amenity of the area.

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

**ITEM 5**                      **SUBDIVISION TO CREATE 2 LOTS**  
**PA2014/0933**            **LOT 10026 (1) PALMERSTON CIRCUIT, TOWN OF PALMERSTON**  
**APPLICANT**            **LAND AND ECONOMIC DEVELOPMENT**

Mr Owen Dutton (Land and Economic Development) attended.

**RESOLVED  
11/15**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 10026 (1) Palmerston Circuit, City of Palmerston for the purpose of a subdivision to create 2 lots, subject to the following conditions:

**GENERAL CONDITIONS**

1. Works carried out under this permit shall be in accordance with the drawings numbered 2014/0933/01 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 to the satisfaction of the consent authority.
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. 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 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.

**REASONS FOR THE DECISION**

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

The subdivision is for administrative purposes and no works will be undertaken as part of the subdivision.

The subdivision is consistent with the purpose of Zone CB (Central Business) as it is considered that the proposed subdivision will facilitate the development of the land in accordance with the purpose of the zone as each other the proposed lots are sufficiently sized to provide for a diverse range of activities.

Furthermore, the proposal complies with the relevant provisions 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.

Therefore, provided that easements are vested in the relevant authorities and stormwater is appropriately managed onsite, 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 other matters it thinks fit.

The subdivision is for administrative purposes and no works will be undertaken as part of the subdivision. The subdivision will create two development parcels suitable for future development.

It is the intention of the applicant to consolidate Lot 12825 with part Lot 9635 and the balance of Lot 10026 will be consolidated with Lot 10025 and part Lot 9635 in due course. Consolidation of these parcels of land will require further subdivisions applications.

---

Any future development of the site will require a development application at which time access arrangements will be considered.

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

**ITEM 6** **CHANGES TO DP14/0471 TO MODIFY THE SEPARATION DISTANCE BETWEEN**  
**PA2014/0841** **THE SERVICE STATION AND THE GROUND FLOOR OF THE DEVELOPMENT**  
**LOT 11020 (164) FORREST PARADE, TOWN OF PALMERSTON**  
**APPLICANT** **JACKMAN GOODEN ARCHITECTS (NT) PTY LTD**

Mr Steve Huntingford (Jackman Gooden Architects) attended.

**RESOLVED** That, the Development Consent Authority vary the requirements of Clause 8.1.4  
**12/15** (Service Stations), and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 11020 (164) Forrest Parade, Rosebery, Town of

Palmerston for the purpose of Changes to DP14/0471 to modify the separation distance between the service station and the ground floor of the development, subject to the following conditions:

#### **GENERAL CONDITIONS**

1. Prior to commencement of works (including site preparation), an Erosion and Sediment Control Plan (ESCP), is to be developed and subsequently implemented by suitably qualified and experienced professional in erosion and sediment control planning to the satisfaction of the consent authority on advice from the Department of Land Resource Management to ensure sediment laden run off does not leave the site during both the construction and operational phases of the development. The IECA Best Practice Erosion and Sediment Control Booklets 2008 should be referenced as a guide to the type of information, detail and data that should be included in an ESCP and the Plan should detail control measures for construction phase of the proposed use including:
  - (a) proposed measures to be installed and used so vehicles leaving the site do not deposit mud or other materials on roadways; and
  - (b) proposed method of stormwater management during construction including details of existing and proposed stormwater infrastructure, stormwater drains and any drainage easements.

An endorsed copy of the Plan will form part of this permit and all works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the satisfaction of the consent authority.

2. Prior the endorsement of plans and prior to the commencement of works (including site preparation), certification is required from a suitably qualified professional, to ensure the final design of the development complies with the Australian Standards applicable to Service Stations to the satisfaction of the consent authority.

---

#### **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 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, 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 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 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;
  9. The car parking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their visitors.
  10. "No entry/no exit" signs and arrows directing the internal traffic movement on site shall be provided at completion of building to the requirements and satisfaction of the consent authority.
  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 0.6 m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
  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. Waste bin storage shall be provided in accordance with the requirements of the City of Palmerston to the satisfaction of the consent authority.
17. All balconies are to be internally drained and discharge is to be disposed of at ground level and in a manner consistent with stormwater disposal arrangements for the site to the satisfaction of the Chairman, Development Consent Authority.
18. The storage, location of bowsers and provision of petroleum from the Service Station is to remain compliant with all relevant Australian Standards and Liquefied Petroleum Gas (LPG) must not be stored or sold on the site.
19. Construction and delivery vehicles shall not be parked on the Forrest Parade and Haydon Street road and road reserves.
20. The loading and unloading of goods from vehicles must only be carried out on the land.

**NOTES:**

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. 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. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email ([info@ntbuild.com.au](mailto:info@ntbuild.com.au)) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
4. The owner/developer of the service station must advise the NT Environment Protection Authority of activities to be conducted at this site, in the approved format.

## REASONS FOR THE DECISION

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

The proposal is for changes to DP14/0471 to modify the separation distance between the service station bowsers and the ground floor of the development from 20m to 14m and reduction of the service station building by 62m<sup>2</sup>.

A variation to Clause 8.1.4 (Service Stations) is granted as:

The developer has advised that:

- (a) the development complies with all relevant Australian Standards associated with Service Stations; and
  - (b) LPG will not be sold or stored on site;
    - A condition precedent has been included within the recommendations below to ensure compliance with all relevant Australian Standards.
    - The roofed areas of the proposed service station will provide visual screening to the residential and upper level commercial uses on site;
    - The 20m separation will only encroach on the staff amenities of the supermarket on the ground floor and a small portion of the communal open space area which is located on the first level;
    - The interaction between the communal open space areas of the residential component and the service station have previously been considered and approved during the assessment of DP14/0471;
    - No objections were received under section 49(1) of the *Planning Act*; and
    - No objections or concerns were raised by the NT EPA and the Department of Health.
2. 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 change in location of the bowsers will create a greater setback from the road frontage and will increase the separation between surrounding development and the dispensers. The bowsers will be located under roof and visually buffered by low level landscaping and a few trees to the street.

There is separation between the residential portion of the site and the petroleum dispensers associated with the service station. The service station building itself and the associated roofing will provide a physical barrier while the balconies of the residential units are generally oriented away from the portion of the site associated with the service station.

The change in the location of the dispensers is not expected to create additional noise or alter noise associated with the use. The proposed

locations will not significantly increase vapours or lighting impacts on residential or commercial uses onsite or in the surrounding area. Furthermore, no objections or concerns were raised by the NT EPA and the Department of Health.

As such it is considered that the proposed changes to the location of the fuel bowser will not negatively impact on the existing and future amenity of the locality.

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

**ITEM 7**  
**PA2014/0976**  
**CHANGES TO DP14/0768 FOR THE PURPOSE OF AMENDMENTS TO THE LAYOUT AND ROAD NETWORK AND AN ADDITIONAL 4 NEW LOTS LOT 11821 KOOYONGA PARADE, LOT 12703 ROYSTONEA AVENUE, TOWN OF PALMERSTON**  
**APPLICANT** ELTON CONSULTING

Mr Alex Lawton (Elton Consulting), Mr Jeff Smith & Mr Jeremy Clark (CIC) attended.

**RESOLVED**  
**13/15** That the Development Consent Authority vary the provisions of Clause 11 of the SP8 (Specific Use Zone Palmerston No. 8), and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 11821 Kooyonga Parade and Lot 12703 Roystonea Ave, Town of Palmerston, for the purpose of a subdivision to create 222 lots in 5 stages incorporating as the first phase a subdivision to create 222 lots and as a second phase the development of the land in accordance with the detailed land use plan indicating the proposed use, plan(s) indicating minimum building setbacks for each lot and a land and a house package design for each integrated housing lot with an area of 250m<sup>2</sup> to 299m<sup>2</sup>, subject to the following conditions:

#### **CONDITION PRECEDENT**

1. Prior to the commencement of works an Erosion and Sediment Control Plan (ESCP) is developed by a suitably qualified and experienced professional in erosion and sediment control planning and subsequently approved and implemented to the satisfaction of the consent authority in accordance with the IECA Best Practice Erosion and Sediment Control Guidelines 2008 [www.austieca.com.au](http://www.austieca.com.au). The plan should detail methods and treatments for minimising erosion and sediment loss from the site during both the construction and operational phases. Erosion and sediment control information can also be sourced from the Department's website: <http://lrm.nt.gov.au/soil/managment>.

#### **GENERAL CONDITIONS**

2. Works carried out under this permit shall be in accordance with the drawings numbered 2014/0976/1 through to 2014/0976/41 endorsed as forming part of this permit.

3. 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.
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, and telecommunication networks to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. 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.
6. 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.
7. Stormwater drainage shall be wholly contained within the site and discharged into the local stormwater system to the standards and approval of Road Network Division and/or City of Palmerston. All proposed lots fronting Roystonea Avenue shall be graded such that the stormwater run-off from the properties is away from the road and is able to be collected within the development area and appropriately discharged into the local stormwater system.
8. All unsuitable soil within Stages 10 through to 14 must be removed and replaced with appropriate soil type(s), with all excavation and/or filling to be designed, supervised and certified on completion by a practising and registered Civil Engineer, confirming that the land is suitable of the intended residential use and development, in accordance with Australian Standard AS3798: Guidelines on earthworks for commercial and residential developments, to the satisfaction of the consent authority.
9. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
10. Where unfenced, the Roystonea Avenue frontage is to be appropriately fenced in accordance with the Department of Transport's standards and requirements to deter unauthorised vehicular and/or pedestrian movement.
11. All proposed work (including provision of services) within, or impacting upon the Roystonea Avenue, University Avenue or Tiger Brennan Drive Road reserves shall be designed, supervised and certified on completion by a practising and registered civil engineer, and shall be in accordance with the standards and specifications of the Chief Executive, Department of Transport.

Drawings must be submitted to the Director Roads for Road Agency, Department of Transport, irrespective of approvals granted by other Authorities. No works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".

12. The developer shall have carried out, as part of stage 10 - 14 works, and 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. All noise attenuation works deemed necessary, either by building materials and design or lot layout, shall be carried out by and at the full cost to the developer and shall be wholly contained within the subject lot.

**NOTES:**

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. 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.
3. The NT Environment Protection Agency 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, 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 (2<sup>nd</sup> Floor, Highway House, Palmerston) prior to the commencement of any works within the Roystonea Avenue road reserve.
5. 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.

6. Any stormwater drains and WSUD should conform to the *Public and Environmental Health Act 2011* and the associated Public Health (General Sanitation, Mosquito Prevention and Rat Exclusion and Prevention) Regulation, in regards to preventing mosquito breeding.
7. The permit holder should ensure that only uncontaminated fill is accepted and that the fill has been adequately assessed as being suitable for the intended use. Polluting a site with contaminated fill may constitute an offence under the *Waste Management and Pollution Control Act*.

## 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 SP8 is to facilitate the subdivision, use and development of the land that provides for housing choice through a range of lot sizes and housing types and includes opportunities for commercial and community uses. The proposed subdivision will facilitate the development of stages 10 to 14 in accordance with the objectives of the zone as the subdivision layout provides for housing choices through a range of lot sizes and housing types and includes open space and community uses.

1. A variation to clause 11 (Building Setbacks) of zone SP8 of the Scheme to allow lots 436, 436E, 437, 443, 449, 450 467, 468, 476, 482, 483, 492, 506, 514 and 516 to have a primary street frontage of 2.5m where 4.5m is required and a secondary street frontage of 4.5m where 2.5m is required is granted as:

- It will enable streets with 2 – 3 dwellings to be uniform in design;
- Enable additional surveillance of public areas and pedestrian walkways;
- The impact of fencing on the streetscape will be minimised; and
- The proposal is consistent with previous stages of the Heights Durack as variations to the setback regime in the immediate area have already been granted for stages 4 – 9.

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 is adequately addressed and an Erosion and Sediment Control Plan is developed, in accordance with the requirements of the Department of Land Resource Management, to the satisfaction of the consent authority, the land is considered capable of supporting the subdivision without any adverse impact on surrounding land.

**ACTION:**

Notice of Consent and Development Permit

**ITEM 8  
PA2014/0312**

**VARIATION TO DEVELOPMENT PERMIT DP14/0467 FOR THE PURPOSE OF THE  
ADDITION OF RETAINING WALL**

**APPLICANT**

**LOT 12447 (9) GEORGE STREET, TOWN OF PALMERSTON  
RAW DESIGNS**

Mr Brad Cunnington (Northern Planning Consultants) and Mr Steven Koukouvas (owner and builder) attended.

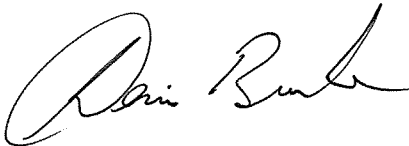
Mr Cunnington tabled further information:-

- 6 photos of the site;
- Copy of section 40 – Certificate of Compliance – Structural Design; and
- Four plans approved by the building certifier.

Submitter Mr Yiannas Prouzos attended.

The application was withdrawn by the applicant prior to determination by the DCA.

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



**DENIS BURKE**  
Chairman

23 /1/15

