

DEVELOPMENT CONSENT AUTHORITY

PALMERSTON DIVISION

MINUTES

MEETING No 180 – WEDNESDAY 16 SEPTEMBER 2015

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

MEMBERS PRESENT: Denis Burke (Chairman), Stephen Ward, Bob Flanagan, Paul Bunker and Andrew Byrne

APOLOGIES: Nil

OFFICERS PRESENT: Kate Walker (A/Secretary), Douglas Lesh, Anthony Brennan and Kaitlyn Zeeck (Development Assessment Services)

COUNCIL REPRESENTATIVE: Gerard Rosse

Meeting opened at 10.00 am and closed at 11.15 am

THE MINUTES RECORD OF THE EVIDENTIARY STAGE AND THE DELIBERATIVE STAGE ARE RECORDED SEPARATELY. THESE MINUTES RECORD THE DELIBERATIVE STAGE. THE TWO STAGES ARE GENERALLY HELD AT DIFFERENT TIMES DURING THE MEETING AND INVITEES ARE PRESENT FOR THE EVIDENTIARY STAGE ONLY.

ITEM 1
PA2015/0538
APPLICANT

ALTERATIONS AND ADDITIONS TO AN EXISTING GOLF COURSE
LOT 2884 (103) DWYER CIRCUIT, TOWN OF PALMERSTON
PALMERSTON GOLF & COUNTRY CLUB

Andrew Swenson, Noel Fakey, Paul Winter and Tony Winter attended the meeting as applicants, and tabled a revised drawing.

Glen Patrick, Ray Somerville, Leonie Eileen Commons-Fidge, Debra Brown and Anita Cadiz attended as submitters.

RESOLVED
141/15

That, the Development Consent Authority reduce the number of parking bays determined in accordance with Clause 6.5.1 (Parking Requirements) of the NTPS to 140 bays through the provisions of clause 6.5.2 (Reduction of Parking Requirements) of the 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 2884 (103) Dwyer Circuit, Town of Palmerston for the purpose of alterations and additions to an existing golf course, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted at the Palmerston DCA meeting on 16 September 2015, but modified to show:
 - a. an additional screen fence located to block headlights from the car parking area north of the Clubhouse,
 - b. include a combination of elevation and site plans which detail the height of the fence at all points along the length of the fence, and
 - c. show the buggy parking area as being a sealed surface.The amended plans shall be determined in consultation with Development Assessment Services, to the satisfaction of the consent authority.
2. 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's underground stormwater drainage system shall be submitted to and approved by the City of Palmerston and/or the Department of Lands, Planning and the Environment as the case may be, 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), written correspondence is required from Power and Water confirming that approval has been obtained for the proposed easement encroachment.

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 to the satisfaction of the consent authority.
 6. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for approval by the Surveyor General.
 7. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, 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 City of Palmerston and/or the Department of Lands, Planning and the Environment as the case may be 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 City of Palmerston, to the satisfaction of the consent authority.
 10. Access shall be provided off Dwyer Circuit and be provided to the standards of the City of Palmerston to the satisfaction of the consent authority.
 11. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways;
 - (c) undertake reinstatement works;
- All to the technical requirements of and at no cost to the City of Palmerston, to the satisfaction of the consent authority.
12. Before the use or occupation of the development starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;

- (c) surfaced with an all-weather-seal coat;
- (d) drained;
- (e) line marked to indicate each car space and all access lanes; and
- (f) clearly marked to show the direction of traffic along access lanes and driveways;

Car spaces and driveways must be kept available for these purposes at all times.

- 13. Before the use/occupation of the development starts, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
- 14. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
- 15. No fence, hedge, tree or other obstruction exceeding a height of 0.6 m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
- 16. Soil erosion control measures must be employed throughout the construction stage of the development 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. 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. Any floodlighting or security lighting provided on site should be shielded in a manner to prevent the lighting being noticeable or causing nuisance to surrounding road traffic.
- 3. A "Permit to Work within a Road Reserve" may be required from the Department of Transport before commencement of any work within their road reserve.
- 4. 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 proposed development is an expansion of an existing service provided to club members on the site and is consistent with arrangements in other similar sports clubs in the region where licensed clubs have been developed on sporting grounds and where these facilities are used by club members and their guests. As such the proposal is considered consistent with the purpose of the zone.

2. A reduction of car parking requirements as specified by clause 6.5.1 (Parking Requirements) of the NTPS to 140 bays is determined in accordance with clause 6.5.2 (Reduction of Parking Requirements) of the Scheme for the proposed use because:

140 car parking spaces and 16 golf buggy parking bays and are being provided where 149 parking bays are required. A portion of the Palmerston Golf Club members arrive to the club using a golf buggy and thus proposed parking area is considered appropriate for the proposed use. Furthermore, the proposed development improves the existing parking deficit on site from 64 to 9 car parking bays.

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.

Lot 2884 (103) Dwyer Circuit, Town of Palmerston has an area of 22.79ha is irregular in shape and has street frontages to Dwyer Circuit and University Avenue. The site is surrounded by land in zones SD (Single Dwelling), MD (Multiple Dwellings), CP (Community Purposes) and PS (Public Open Space) of the Scheme. The site is currently developed for the purpose of the Palmerston Golf Course and Club.

Provided that stormwater will be appropriately managed on site without impacting on surrounding residential areas and disposed of into Councils and/ or the Department of Lands, Planning and the Environment stormwater drainage system and landscaping is provided to the car parking area to soften the impact of the car park when viewed from the street and to provide protection to pedestrians it is considered the development will not have an adverse impact on the surrounding land.

ACTION: Notice of Determination

ITEM 2
PA2015/0529

APPLICANT

**SUBDIVISION TO CREATE 90 RESIDENTIAL LOTS AND 1 PUBLIC OPEN SPACE LOT
AND A BUILDING SETBACK AND PARKING PLAN (ZUCCOLI STAGE 5 A & B)
LOT 12448 RADFORD ROAD, TOWN OF PALMERSTON
MASTERPLAN NT**

Linda Henning and Mike Schokman attended on behalf of the applicant. Gerrard Rosse attended on behalf of the City of Palmerston.

RESOLVED
142/15

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 12488, Town of Palmerston for the purpose of a subdivision to create 90 residential lots, 1 public open space lot plus the remaining balance area, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a. An amended lot configuration and/or lot access arrangement within the north-west corner of stage A (proposed lots 009 and 010) with street frontages that are capable of providing access to the requirements of City of Palmerston, to the satisfaction of the consent authority, and
 - b. Proposed lots 009, 010, 024 and 053 shall be designated as Zone SD (Single Dwelling) as allowed for by Clause 11.1.2 (Lots Intended for Zone SD in Greenfield areas) as amended by Planning Scheme Amendment No. 415. Should the size of any of the above lots change as a result of any amendments required by City of Palmerston through condition precedent 1(a) then the lots to be designated as Zone SD shall be determined in consultation with Development Assessment Services, to the satisfaction of the consent authority.
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 local stormwater drainage system shall be submitted to and approved by the Department of Lands, Planning and the Environment and/or City of Palmerston as the case may be, to the satisfaction of the consent authority. The plan shall include details of anticipated site levels for each land parcel, and ensure that areas intended for lots less than 600m² are designed such that the need for on-site stormwater structures, retaining walls and the like is minimised. The plan shall also show the Department of Lands, Planning and the Environment's and/or Council's stormwater drain connection point/s, and shall also indicate how stormwater will be collected on the site and discharged to the Department of Lands, Planning and the Environment's and/or Council's drainage 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, and an endorsed copy of the Plan will form part of this permit. The ESCP is to be developed by a suitably qualified and experienced professional in erosion and sediment control planning, and in accordance with the IECA Best Practice Erosion and Sediment Control Guidelines 2008. The plan should detail methods and treatments for minimising erosion and sediment loss from the site during the construction phase. Information regarding ESCP content is available at www.austieca.com.au. Erosion and sediment control information can also be sourced from the DLRM website at <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. 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. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities, electricity services and telecommunication 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 City of Palmerston and/or the Department of Lands, Planning and the Environment as the case may be to the satisfaction of the consent authority.
9. The developer must ensure mosquito breeding does not occur during the construction phase in sediment ponds and other temporary water holding structures, either by design (deep water, steep sides), or by temporary control using residual insecticides such as methoprene.
10. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, vehicular access, pedestrian/ cycle corridors and streetscaping are to be to the technical requirements of the Department of Lands, Planning and the Environment and/or City of Palmerston as the case may be to the satisfaction of the consent authority and all approved works constructed at the owner's expense.

11. Before the issue of titles, firebreaks along boundaries or at appropriate locations shall be provided to the satisfaction of the consent authority on advice from the Bushfires NT (Department of Land Resource Management/ Northern Territory Fire and Rescue Services).
12. The developer is to ensure that all development work is undertaken in a manner that prevents the creation of a public health nuisance from dust or other particulate matter.
13. The loads of all trucks entering and leaving the site of works are to be constrained in such a manner as to prevent the dropping or tacking of materials onto streets. This includes ensuring that all wheels, tracks and body surfaces are free of mud and other contaminants before entering onto a sealed road network to the requirements of the Department of Transport and/or the City of Palmerston to the satisfaction of the consent authority.
14. The subdivision must proceed in the order of stages as shown on the endorsed plan unless otherwise agreed in writing by the consent authority.

NOTES

1. This permit does not endorse or provide preliminary support or approval for the concept master plan submitted with the application.
2. 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.

3. 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.
4. 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.
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. All new roads are required to be named under the *Place Names Act*. You should immediately make application to the Place Names Committee to

commence the road naming process. Contact the Place Names Unit on 8995 5333 or placenames.dpi@nt.gov.au. Further information can be found at <http://www.placenames.nt.gov.au>.

7. The Department of Transport advises that the developer shall consider the Department's policy "Road Traffic Noise on Northern Territory Government Controlled Roads" and where appropriate provide noise attenuation measures.

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 site is located within areas designated as urban residential under the Palmerston Eastern Suburbs Area Plan.

The purpose of the application is to create 90 residential lots, 1 public open space lots plus the remaining balance area. The application provides a fairly compact and walkable residential subdivision with a range of allotment sizes between 302m² and 677m². The lot sizes are considered to be of a size capable of accommodating potential future uses in accordance with the requirements of the Northern Territory Planning Scheme and therefore consistent with the intended future use of the land. Furthermore, the proposal generally complies with the relevant provisions of the Northern Territory Planning Scheme.

2. Pursuant to section 51(e) of the *Planning Act*, the consent authority must take into account any submissions made under section 49 in relation to the development application. One submission was received which raised concerns with the proposal, particularly in regard to the mix of lot sizes and compliance with the Palmerston Eastern Suburbs Planning Principles and Area Plan.

The lot sizes proposed by the subdivision are considered to be of a size capable of accommodating potential future uses in accordance with the requirements of the Northern Territory Planning Scheme. The consent authority acknowledges that the housing type provided for in stage A & B is for single dwellings, but considered in context with the adjacent stages 3 and 4 which include lots for multiple dwellings and medium density development it is considered that the overall subdivision provides for a mix of housing types, and therefore consistent with the intended future use of the land as outlined in the Palmerston Eastern Suburbs Planning Principles and Area Plan.

3. Pursuant to section 51(j) of the *Planning Act*, the consent authority must also take into account the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development. In addition, pursuant to section 51(m) of the *Planning Act*, the consent authority must take into account the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to

the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer.

The SMEC engineering services report dated July 2015 and included with the application concludes that there is no justifiable reason why, with appropriate engineering design, that residential, conservation, community and mixed land uses will not be achieved for the site. Precedent and general conditions on the development permit require an erosion and sediment control plan and a schematic stormwater management plan. It is anticipated that these measures, combined with standard conditions relating to the connection and upgrade of utility services, are expected to ensure that the land is developed in accordance with physical capabilities; address concerns raised by service authorities; and, ensure utility and infrastructure requirements are appropriately addressed.

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

The site is within Zone FD (Future Development) and subject to Clause 14.5.1 (Palmerston Eastern Suburbs Planning Principles and Area Plans) of the NT Planning Scheme. The proposal generally accords with the layout depicted within the Area Plan and is considered unlikely to adversely impact on the area or alter community expectations for the site. Overall, the Zuccoli residential suburb is currently being developed and the amenity of the area is being established. The relevant area plan, zoning provisions and the application all seek to promote the best amenity outcomes for the future residents of the estate. Provided pedestrian and cycle corridors are established in appropriate locations and in a timely manner and provided that site levels and associated stormwater drainage is appropriately managed the proposed subdivision will achieve appropriate levels of residential amenity.

ACTION: Notice of Consent and Development Permit

**RESOLVED
143/15**

That, the Development Consent Authority vary the requirements of clause 7.3.3 (Side Setbacks for Single Dwellings on Lots less than 600m² in Zone MD) 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 12488, Town of Palmerston for the purpose of a building setback plan, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans, 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 either two copies must be provided or they must be submitted electronically. The plans must be generally in accordance with the plans submitted with the application but modified as follows:

- a) All references to front setbacks and vehicle parking must be removed from the plans,
- b) Provide the plan in two or more plans to ensure the smaller areas are shown in more detail, and
- c) Any other revisions that may be necessary.

To the satisfaction of the consent authority.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. The owner/developer must provide a copy of the building setback plan to land purchases prior to or at the time they purchase the land.

REASONS FOR THE DECISION

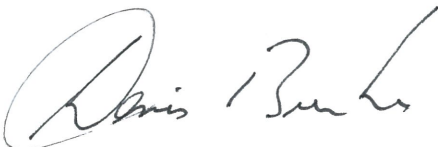
1. Pursuant to Section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

A variation to clause 7.3.3 (Side Setbacks for Single Dwellings on Lots less than 600m² in Zone MD) of the Scheme is to allow a gap on identified lots of 0.3m between the dwelling and the boundary where 0m gap is required by clause 7.3.3 is granted as:

- The Development Consent Authority, based on the advice of termite control and building industry professionals, considers that the requirement for the dwelling utilising the zero building setback to have its external wall built to the boundary with no gap would result in inadequate or impractical termite protection, inadequate or impractical weather proofing, and uncertainty for homeowners to adequately insure properties built to the boundary with no gap, and
- A corresponding 1.5m setback on the adjacent site is required to ensure that there will be sufficient separation so as to avoid small gaps which may unduly impact on the amenity of adjacent development and the streetscape.

ACTION: Notice of Consent and Development Permit

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



DENIS BURKE
Chairman

22/9/15

