



**DEVELOPMENT CONSENT AUTHORITY**

**PALMERSTON DIVISION**

**MINUTES**

**MEETING No. 202 – WEDNESDAY 20 SEPTEMBER 2017**

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

**MEMBERS PRESENT:** Suzanne Philip (Chair), Steve Ward, Bob Flanagan, Paul Bunker and Andrew Byrne

**APOLOGIES:** Nil

**OFFICERS PRESENT:** Ayla McGavin (A/Secretary) and Joseph Sheridan (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Nil

**Meeting opened at 9.36 am and closed at 10.13 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**                    **SINGLE DWELLING WITH REDUCED SIDE AND REAR SETBACKS**  
**PA2017/0305**        **LOT 13302 (15) BANKSIA STREET, TOWN OF PALMERSTON**  
**PLANNER**            **JOSEPH SHERIDAN**  
**APPLICANT**        **RAW DESIGNS**

Mr Robert Watt (Applicant), Mr Hermanus Louw (Costa Property Group), and Mr Israel Kgosiemang (One Planning Consult) attended.

**RESOLVED**        That, the Development Consent Authority vary the requirements of clause 7.3.3  
**54/17**                (Reduced Setbacks of Residential Buildings and Ancillary Structures) and  
pursuant to section 53(a) of the *Planning Act*, consent to the application to  
develop Lot 13302 (15 Banksia Street), Town of Palmerston, for the purpose of a  
single dwelling with reduced side and rear setbacks, subject to the following  
conditions.

**GENERAL CONDITIONS**

1. The works carried out under this permit shall be in accordance with the drawings numbered 2017/0305/01 through to 2017/0305/05 inclusive endorsed as forming part of this permit.
2. The single dwelling is not to be used for the purpose of a display home.
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. 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.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply and 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 the 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) collect stormwater and discharge it to the drainage network; and
  - (d) undertake reinstatement works;

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

9. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
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. 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 to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. A "Permit to Work Within a Road Reserve" is required from the City of Palmerston or before commencement of any work within the road reserve.
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) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.

## **REASONS FOR THE RECOMMENDATION**

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. The application is seeking a variation to clause 7.3.3 (Reduced Setbacks of Residential Buildings and Ancillary Structures) of the Northern Territory Planning Scheme.

The primary purpose of clause 7.3.3 is 'to allow for single dwellings on lots less than 600m<sup>2</sup> but not less than 300m<sup>2</sup> to maximise design opportunities without unduly impacting on adjacent development'. A variation to clause 7.3.3 is granted for the following reasons:

- In relation to the west side setback, the extent of the building located at 0m is limited to the garage wall length of approximately 6.4m with the remainder of the dwelling be setback the required 1.5m. The applicant has also provided written confirmation from

the landowner adjacent this boundary that there are no issues with the side setback encroachment, and;

- In relation to the rear setback, the extent of the building located at 0m is limited to the bedroom wall length which is approximately 5.2m with the remainder of the dwelling setback the required 1.5m. The applicant has also provided written confirmation from the landowner adjacent this boundary that there are no issues with the rear setback encroachment.

2. Pursuant to Section 51(e) of the *Planning Act*, the consent authority must take into account any submissions made under section 49 and any evidence or information received under section 50, in relation to the development application. Pursuant to section 51(n) of the *Planning Act*, the consent authority must also take into account the potential impact on the existing and future amenity of the area in which the land is situated.

The applicant provided written statements from the landowner's adjacent the affected boundaries confirming no objections to the 0m side and rear setbacks. The application was also circulated to the same landowners as part of the assessment process and no submissions objecting to the application were received. On this basis, the potential for any adverse impact on the existing and future amenity of landowners directly adjacent the affected boundaries and surrounding dwellings is considered negligible.

3. In accordance with the requirements of section 51(m) of the *Planning Act*, the consent authority must consider 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 for that purpose.

The application was circulated to the relevant service authorities for comment with all relevant matters addressed through conditions or notes on the development permit. The Authority notes that City of Palmerston did not provide comments for the application but the conditions included on the permit are consistent with Council's typical requirements for a single dwelling development on Zone MD (Multiple Dwelling) land.

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

The Authority notes that the single dwelling is currently being used as a display home to advertise a housing design available for purchase by a particular builder throughout the Zuccoli Aspire development. The Authority considers the display home to be a misrepresentation of the type of dwelling available within the Zuccoli Aspire development which could potentially mislead consumers and indirectly provide the builder with an unwarranted competitive advantage. On this basis, condition 2 has been included to prevent the single dwelling being used as a display home.

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

**RESOLVED 55/17** That, the Chairman of the Development Consent Authority write to Building Advisory Services, Department of Infrastructure, Planning and Logistics, outlining the history and retrospective nature of the application, as well as any other information the Authority considers necessary.

**RESOLVED 56/17** That, the Development Consent Authority issue a Notice to Cease under Development Permit DP15/0547 in relation to Lot 13302 Town of Palmerston to prevent the single dwelling being used as a display home.

**ITEM 2** **CHANGES TO DP16/0116 FOR INTERNAL ALTERATIONS INCLUDING AN INCREASE IN FLOOR AREA, AND MINOR EXTERNAL CHANGES INCLUDING A RECONFIGURATION OF THE CAR PARKING AREA LOT 2884 (103) DWYER CIRCUIT TOWN OF PALMERSTON**  
**PA2017/0346**  
**PLANNER** **JOSEPH SHERIDAN**  
**APPLICANT** **ANDREW SWENSON**

Mr Andrew Swenson (Applicant), Mr Paul Winter (Company Director, Habitat NT), and Mr Noel Fahey (Manager, Palmerston Golf and Country Club) attended.

**RESOLVED 57/17** That, the Development Consent Authority, vary the requirements of clause 6.8 (Demountable Structures) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 2884 (103 Dwyer Circuit, Driver) Town of Palmerston for the purpose of changes to DP16/0116 for internal alterations including an increase in floor area and minor external changes including a reconfiguration of the car parking area (Palmerston Golf Club), 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) elevation plans that show the height and material of the screen fencing that is to be used to prevent car headlights affecting adjacent residential properties;
  - (b) loading bay dimensions pursuant to clause 6.6 (Loading Bays);
  - (c) elevation plans that show the fencing and screening measures for the 'new service yard'
  
2. Prior to the endorsement of plans, 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 and show the detail for the proposed landscaped areas and include:
  - (a) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity, and quantities of each plant throughout the site;
  - (b) landscaping for the demountables and adjacent screen fencing that is fit for purpose (i.e. screening);

- (d) provision of an in ground irrigation system to all landscaped areas.

All species selected must be 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. 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. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities and electricity services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
7. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to City of Palmerston and/or the Transport Civil Services Division of the Department of Infrastructure, Planning and Logistics as the case may be 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. 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.
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 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. 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.
16. Storage for waste disposal bins is to be provided to the requirements of City of Palmerston to the satisfaction of the consent authority.

## NOTES

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email ([info@ntbuild.com.au](mailto:info@ntbuild.com.au)) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
3. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

## REASONS FOR THE RECOMMENDATION

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

The proposed development is 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 OR (Organised Recreation) of the Northern Territory Planning Scheme.

2. The provision of six demountables on the decommissioned bowling green is considered acceptable in this instance as the landscaping detail required by condition precedent 2 will ensure an appropriate level of screening and preserve the level amenity of surrounding land. The Authority also notes that the demountables are existing on site and are being relocated within the lot boundaries.
3. 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 and pursuant to section 51 (n) the potential impact on the existing and future amenity of the area in which the land is situated.

The Authority acknowledges the concerns raised in the public submissions received during the public exhibition period however it considers that provided the development proceeds in accordance with the conditions included on the permit, it is unlikely to impact on the existing and future amenity of adjoining residential uses. The information required by condition precedents will ensure that the issue of headlight spill is adequately managed so adjoining residential properties are not adversely affected.

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

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



**SUZANNE PHILIP**  
Chair

**04/10/17**