



DEVELOPMENT CONSENT AUTHORITY

PALMERSTON DIVISION

MINUTES

MEETING No 154 – WEDNESDAY 21 AUGUST 2013

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

MEMBERS PRESENT: Peter McQueen (Chairman), Stuart Delahay, Susan McKinnon and Paul Bunker

APOLOGIES: Steve Ward

OFFICERS PRESENT: Margaret Macintyre (Secretary), George Maly, Deborah Curry and Michael O'Neill (Development Assessment Services)

COUNCIL REPRESENTATIVE: Wendy Smith

**Meeting opened at 9.30 am and closed at 12:00 am
Reopened at 2.00 pm and closed at 2.30 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 **3 X 3 BEDROOM MULTIPLE DWELLINGS IN A SINGLE STOREY BUILDING**
PA2013/0476 **LOT 10573 (8) CABRINI STREET, TOWN OF PALMERSTON**
APPLICANT **IP INVESTMENTS PTY LTD**

The applicant did not attend.

RESOLVED
88/13

That, the Development Consent Authority vary the requirements of Clauses 7.3 (Building Setbacks of Residential Buildings) and 7.5 (Private Open Space) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application to develop Lot 10573 (8) Cabrini Street, Town of Palmerston for the purpose of 3 x 3 bedroom multiple dwellings in a single storey building, subject to the following conditions:

GENERAL CONDITIONS

1. Works carried out under this permit shall be in accordance with the drawings numbered 2013/0476/1 through to 2013/0476/5 inclusive endorsed as forming part of this permit.
2. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority and approval to carry out works shall be obtained prior to the commencement of construction, to the satisfaction of the consent authority.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities and electricity services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to City of Palmerston to the satisfaction of the consent authority.
5. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of City of Palmerston, to the satisfaction of the consent authority.
6. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways;
 - (c) undertake reinstatement works;All to the technical requirements of and at no cost to the City of Palmerston, to the satisfaction of the consent authority.

7. Before the use or occupation of the development starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat;
 - (d) drained;
 - (e) line marked to indicate each car space and all access lanes; and
 - (f) clearly marked to show the direction of traffic along access lanes and driveways;Car spaces and driveways must be kept available for these purposes at all times.
8. Before the use/occupation of the development starts, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
9. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
10. No fence, hedge, tree or other obstruction exceeding a height of 0.6 m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
11. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
12. 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.
13. Storage for waste disposal bins is to be provided to the requirements of City of Palmerston to the satisfaction of the consent authority.

NOTES:

1. This permit will expire if one of the following circumstances applies:
 - (a) the 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.

REASONS FOR THE DECISION

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

The proposed development is consistent with the primary purpose of Zone MD (Multiple Dwelling Residential) of the Northern Territory Planning Scheme as it provides for a variety of housing options for potential residents of Bellamack.

2. A variation to Clause 7.3 (Building Setbacks of Residential Buildings) of the Scheme to allow a front setback of 6.1m where 7.5m is required by the Scheme is granted as:

- only a small portion of Unit 1 (bedroom 3) encroaches into the setback;
- the single storey appearance of the development and the articulated facade will not result in building massing when viewed from the street; and
- landscaping has been provided to ensure privacy of the residents of Unit 1.

3. A variation to Clause 7.5 (Private Open Space) of the Scheme to allow Unit 3 to have a minimum private open space dimensions of 4.37m x 5m rather than 5m x 5m as required by the Scheme is granted as:

- the private open space exceeds the minimum requirement of 45m²;
- the land is located approximately 95m from land in Zone PS (Public Open Space) which provides for children's play activities; and
- the private open space is directly accessible from the kitchen.

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.

Located within the new subdivision of Bellamack the subject site has an area of 955m², is irregular in shape and has street frontages to Eulalie Street and Cabrini Street. The site has been cleared and is undeveloped.

Provided that stormwater will be appropriately managed on site without impacting on surrounding residential areas and disposed of into Councils stormwater drainage system within Eulalie Street and Cabrini Street, no adverse impact on the surrounding land is anticipated.

ACTION: Notice of Consent and Development Permit

ITEM 2
PA2013/0552
APPLICANT

DEMOUNTABLE STRUCTURE
LOT 5763 (17) CRAKE COURT, TOWN OF PALMERSTON
MARY DE LORYN

Ms Mary De Loryn attended.

RESOLVED
89/13

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 5763 (17) Crake Court, Town of Palmerston for the purpose of a demountable structure to be used as a dependant unit, subject to the following conditions:

CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings numbered 2013/0552/1 through to 2013/0552/3, 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. 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.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. Before the use of the structure starts, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
6. 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.
7. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

8. The Dependant Unit shall only be occupied by persons dependant on the occupants of the principle dwelling on the site.

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. 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.

REASON FOR THE DECISION

1. The proposed demountable structure is consistent with the purpose of Clause 6.8 (Demountable Structures) of the Northern Territory Planning Scheme, being to ensure that demountable structures do not detract from the visual amenity of an area. The established vegetation to be retained between the demountable structure and the side and rear boundaries, and the three proposed potted plants to be located at the front of the demountable, all act to ameliorate any potential impacts when viewed from adjoining land. The proposed location of the demountable behind the building line of the existing dwelling, approximately 28.5 metres from the front boundary, ensures it is unlikely to detract from the visual amenity of the area.

ACTION: Notice of Consent and Development Permit

ITEM 3
PA2013/0542
APPLICANT

28 X 3 BEDROOM MULTIPLE DWELLINGS IN 19 SINGLE STOREY BUILDINGS
LOT 11704 (21) HAWKER STREET, TOWN OF PALMERSTON
RAW DESIGNS

Mr Rob Watt (Raw Designs) and Mr Israel Kgosiemang (One Planning Consult) attended.

RESOLVED
90/13

That, the Development Consent Authority vary the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme, and pursuant to section 53(b) of the *Planning Act*, alter the proposed development and consent to the proposed development as altered to develop Lot 11704, 21 Hawker Street,

Suburb of Zuccoli, Town of Palmerston for the purpose of 28 x 3 bedroom multiple dwellings in 19 single 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:
 - (a) Dimensioned floor plan of proposed Unit 7, showing layout, partitioning, room sizes and uses;
 - (b) All elevations of proposed Unit 7 and external finishes;
 - (c) Garage doors widened to 5m and parking bays delineated on the drawings (demonstrating separate access to each parking bay and compliant with the dimensions contained in Clause 6.5.3 of the NT Planning Scheme);
 - (d) Proposed surfacing of parking areas and driveways;
 - (e) The location of water meter arrangements and sewer access points;
 - (f) Any existing and proposed easements, substations and services (refer to easement shown on survey plan LTO2012/128C and matters identified in Power and Water Corporation correspondence dated 22/07/2013 and 31/07/2013).

2. Prior to the endorsement of plans and prior to commencement of works (including site preparation), a landscape plan to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and two copies must be provided. The landscaping plan must be generally in accordance with the landscape concept plan dated April 2013 prepared by Raw Designs (Job No. 13021-SK2), except that the plan must show:
 - (a) details of surface finishes of pathways and driveways;
 - (b) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - (c) landscaping and planting within all open areas of the site;
 - (d) planting adjacent to private open space boundaries that may be expected to satisfactorily achieve privacy screening outcomes under Clause 7.5(3)(b) of the NT Planning Scheme (plant heights at maturity are to be noted on site and landscaping plans); and
 - (e) provision of an in ground irrigation system to all landscaped areas.
All species selected must be to the satisfaction of the consent authority.

3. Prior to the endorsement of plans and prior to commencement of works (including site preparation), an Erosion and Sediment Control Plan (ESCP), including details and location of stormwater drains, is to be prepared to the requirements of an independent suitably qualified professional and submitted to and approved by the consent authority on the advice of the Department of

Land Resource Management, and an endorsed copy of the Plan will form part of this permit. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the satisfaction of the consent authority.

GENERAL CONDITIONS

4. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage and electricity facilities to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
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 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) 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. Storage for waste disposal bins is to be provided to the requirements of City of Palmerston to the satisfaction of the consent authority.
10. 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.
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;to the satisfaction of the consent authority.
Car parking spaces, access lanes and driveways must be kept available for these purposes at all times.

12. Before the 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. 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 at ground level in a controlled manner to the satisfaction of the consent authority.
15. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
16. No polluted and/or sediment laden run-off is to be discharged directly or indirectly to City of Palmerston drains or to any watercourse.

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 in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
3. The Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency's Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the Development 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) to provide for a range of housing options. Furthermore, the proposed development is considered to be of a scale, character and architectural style compatible with the streetscape and surrounding development in the suburb of Zuccoli and wider Palmerston locality.

Subject to the receipt of amended drawings, the development will comply with the majority of performance criteria of the NT Planning Scheme.

2. A variation to Clause 7.3 (Building Setbacks of Residential Buildings) of the Scheme to allow a rear setback of 2m where 2.5m is required by the Scheme is granted as:
 - the single storey appearance of the development and the articulated facade (which includes open sided verandahs) will not result in building massing when viewed from the adjoining property; and
 - solid screen fencing has been provided and as such no undue overlooking of adjoining properties is anticipated
3. Pursuant to section 51(h) of the *Planning Act* the Development Consent Authority must take into consideration the merits of the proposal.

Subject to the receipt of amended drawings, the proposed will comply with most of the relevant performance criteria contained in Part 4 of the NT Planning Scheme applicable to residential development.

The development is consistent with the zoning of the land and as such is expected to contribute positively to the amenity of the yet to be developed mixed use neighbourhood. The proposed dwellings are of a size and design reasonably expected of this type of development in the locality and are expected to offer occupants a good level of amenity. The proposal will benefit the local community through the provision of additional residential accommodation.

4. Pursuant to section 51(n) of the *Planning Act* the Development 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 proposed development is appropriate for the site and locality. The proposed development is located within Zone MD (Multiple Dwelling Residential), and subject to the receipt of amended drawings, will be compliant with the residential performance criteria contained in the NT Planning Scheme, including being below the density level permitted through Clause 7.1 (Residential Density Limitations).

ACTION: Notice of Consent and Development Permit

ITEM 4
PA2013/0409
APPLICANT

**PASSENGER TERMINAL & CAR PARK (PARK & RIDE FACILITY)
LOTS 1118 & 4133 (10 & 12) GEORGINA CRESCENT, TOWN OF PALMERSTON
JACKMAN GOODEN ARCHITECTS (NT) PTY LTD**

DAS tabled two photos from the applicant of a car park with black chain mesh fence surrounding the car park.

Mr Adrian Handford and Mr Ross Finocchiaro (Jackman Gooden Architects) attended.

**RESOLVED
91/13**

That, the Development Consent Authority vary the requirements of Clauses 6.5.3 (Parking Layout) and 8.2 (Commercial and other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T) 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 Lots 1118 and 4133 (10 and 12) Georgina Crescent, Town of Palmerston for the purpose of a passenger terminal and car park, 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:
 - the provision of bicycle storage facilities and;
 - the provision of lighting to the ablution block and the bus drop off/pick up area; and
 - landscaping to a depth of 3m to the Roystonea Road boundary.
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, 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 the commencement of works (including site preparation), a Traffic and Parking Management Plan incorporating a Traffic Impact Assessment must be submitted to and approved by the consent authority addressing the use of the property for the purpose of a passenger terminal and car park. When approved, the plan will be endorsed and will form part of the permit. Traffic and parking operations on and adjacent to the site must conform to this endorsed plan. Two copies of the plan must be submitted. The plan must be developed in consultation with the City of Palmerston and the Department of Transport. The traffic and parking

management plan must also adhere to the requirements of the Ichthys Onshore LNG Facilities Road Transport Management Plan.

GENERAL CONDITIONS

4. Works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
5. This permit will expire 5 years from the date issued.
6. 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.
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 Transport 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 Georgina Crescent 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) 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. The car parking area and all marked parking spaces, including the motorcycle bays and bicycle parking areas, are to satisfy the requirements of Australian Standard AS 2890 (*Off-street car parking*), prior to issue of an Occupancy Permit under the *Building Act*.
14. 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.
15. 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.
16. Existing landscaping within the Roystonea Avenue road reserve shall not be disturbed;
17. 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.
18. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
19. Storage for waste disposal bins is to be provided to the requirements of City of Palmerston to the satisfaction of the consent authority.
20. All proposed work affecting the Roystonea 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.

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. Any floodlighting or security lighting provided on site should be shielded in a manner to prevent the lighting being noticeable or causing nuisance to Roystonea Road, Yarrawonga Road and Georgina Crescent traffic.

4. 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.

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 application is for the development of vacant land into a temporary park and ride facility to service the JKC workforce associated with the Inpex Ichthys LNG project for a period of 5 years. Due to the scale of JKC's operations and the number of its employees a large site was necessary to provide as many car parks as possible and as such the proposed development is considered consistent with the purpose of the zone.

2. A variation to Clause 6.5.3 (Parking Layout) of the Scheme to reduce the required width of the landscaping buffer to a portion of Yarrawonga Road is granted as:
 - the Yarrawonga Road boundary is shaped such that a uniform 3m wide buffer cannot be provided without a loss of a number of car parks;
 - the type of landscaping proposed will screen the bulk of the car park from view of Yarrawonga Road; and
 - the proposed use is temporary allowing the car park to operate for a period of 5 years.
3. A variation to Clause 6.5.3 (Parking Layout) of the Scheme to allow:
 - 65 car parking bays to have a length of 5m;
 - 278 car parking bays to have a length of 5.44m; and
 - 20 car parking bays to have a length of 5.4mwhere 5.5m is required is granted as the application is for the development of vacant land into a temporary park and ride facility to service the JKC workforce associated with the Inpex Ichthys LNG project for a period of 5 years. Furthermore it is considered that as the parking will be provided for JKC employees only, the public will not be inconvenienced by the proposed modifications.
4. A variation to Clause 8.2 (Commercial and other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T) of the Scheme to allow no internal footpaths and protection for pedestrians from sun and rain has not been provided in the car parking area is granted as the development is for private use by JKC, is temporary and pedestrian linkages have been provided in the bus drop off/pick up area to ensure pedestrian safety as this area is publically accessible.
5. A variation to Clause 8.2 (Commercial and other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T) of the Scheme to allow no internal footpaths and pedestrian linkages in the car parking area can be supported to allow the operator to maximise the parking numbers on the

site over the proposed period of time. It is also noted that: pedestrian linkages have been provided in the bus drop off/pick up area to ensure pedestrian safety as this area is publically accessible.

6. A variation to Clause 8.2 (Commercial and other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T) of the Scheme clause to allow no bicycle storage is not supported as some employees who live in close proximity to the site may wish to use a bicycle instead of a car. It is recommended that the Authority consider requiring amended plans showing compliance with this requirement of Clause 8.2(o).
7. 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 1118 (10) Georgina Crescent has an area of 5530m², is regular in shape and has street frontage to Yarrowonga Road and Georgina Crescent. Lot 4133 (12) Georgina Crescent has an area of 7600m², is regular in shape and has street frontage to Yarrowonga Road and Georgina Crescent. Only a portion of Lot 4133 is proposed to be developed. It is noted that both lots have been cleared and are currently undeveloped.

Provided that traffic is appropriately managed through the development of a Traffic Management Plan and stormwater is appropriately managed on site without impacting on surrounding area and disposed of into Council's and/ or the Department of Transport's stormwater drainage system within Georgina Crescent, Yarrowonga Road and Roystonea Avenue the land is considered capable of supporting the development as proposed.

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

Provided that landscaping sufficiently screens the car parking area from view and the collection and discharge of stormwater is managed to Council's and/or the Department of Transport's satisfaction, the proposal is considered unlikely to negatively impact on the future amenity of the locality.

ACTION: Notice of Consent and Development

ITEM 5
PA2013/0316

4 X 3 BEDROOM AND 1 X 2 BEDROOM MULTIPLE DWELLINGS IN 2 X 2
AND 2 X 1 STOREY BUILDINGS

APPLICANT

LOT 8310 (1) KIRKIMBIE COURT, TOWN OF PALMERSTON
KILLARNEY HOMES

Ms Andrea Gardiner (Killarney Homes) attended.

Submitters who sent their apologies:- Mr Steven Crocker and Mrs Elisabeth Crocker, Ms Joanna Keighly, Mr Alexander Thoss and Mrs Maren Thoss and Mrs Beth Stripling.

Submitters in attendance:- Mr Brett Everett, Ms Briony Crummy, Mr Matt Stripling and Ms Wendy Smith (City of Palmerston).

Ms Briony Crummy tabled further submissions from submitters who are unable to attend:-

- Alexander and Maren Thoss;
 - Stephen and Elisabeth Crocker; and
- also tabled
- Multiple photos showing fill and foreign materials on the site.

Mr Brett Everett tabled 4 photos showing how high the plants shown on the landscaping plans will actually grow.

RESOLVED
92/13

That, the Development Consent Authority vary the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) and 7.5 (Private Open Space) of the NT 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 8310 (1) Kirkimbie Court, Town of Palmerston for the purpose of 4 x 3 and 1 x 2 bedroom multiple dwellings in 2 x 2 and 2 x 1 storey buildings, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans considered by the consent authority but modified to show:
 - (a) A minimum setback of 3 metres to the northern side boundary (measured to the building walls/verandah columns). The associated roof eaves can encroach no more than 900mm into this setback. The corresponding encroachment into the southern front boundary setbacks is to be reasonably proportionate to the increase in the northern side boundary setbacks.
 - (b) The internalisation and integration of the staircases for Units 2 through 5. The desired effect is a floor layout in which the ground floor, first floors and

stairwells of these dwellings are fully integrated within the external walls and the building footprint;

- (c) The reconfiguration of the Unit 1 floor plan in such a way that there would no longer be two distinct halves;
- (d) A reduction in the combined height of the open pool-style fencing and retaining walls fronting Inverway Circuit and Kirkimbie Crescent, to a maximum height of 2.5 metres.
- (e) The removal of the western door from the Unit 1 laundry/storeroom;
- (f) Proposed aesthetic treatment of the retaining walls fronting Inverway Circuit, Kirkimbie Court and Eric Asche Park.

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 of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage and electricity facilities to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
- 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 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.
- 6. The owner shall:
 - (a) remove disused vehicle and/or pedestrian crossovers;
 - (b) provide footpaths/cycle ways;
 - (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.
- 7. Storage for waste disposal bins is to be provided to the requirements of the City of Palmerston, to the satisfaction of the consent authority.
- 8. 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.

9. Before the occupation of the development starts the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
10. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
11. 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 at ground level in a controlled manner to the satisfaction of the consent authority.
12. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land, to the satisfaction of the consent authority.
13. 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.
14. The proponent must ensure that only clean fill (virgin excavated natural material) or inert fill is accepted and that the inert fill has been adequately assessed as being suitable for its intended use.
15. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
16. No polluted and/or sediment laden run-off is to be discharged directly or indirectly to City of Palmerston drains or to any watercourse.

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. The Environment Protection Authority of the Department of Lands, Planning and the Environment advises that potentially contaminated fill may have been deposited at 1 Kirkimbie Court – Lot 8310 Town of Palmerston. Polluting a site with contaminated fill may constitute an offence under section 38 of the *Waste Management and Pollution Control Act*.
3. The Environment Protection Authority of the Department of Lands, Planning and the Environment 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.

4. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development is available from the Department of Land Resource Management.
5. Notwithstanding the approved plans, any works and/or landscaping within City of Palmerston's road reserve is subject to City of Palmerston approval and shall meet all of City of Palmerston's requirements, to the satisfaction of and at no cost to the City of Palmerston.
6. The Power and Water Corporation advises that:
 - 24 hour access to the 2 x 2m electricity easement within the property is to be maintained;
 - It is a requirement that the water service to the units be multi-metered; and
 - Water and Sewerage Systems Extension Policy (WASSEP) charges apply for this development; the developer should contact Services Development for further information.

REASONS FOR THE DECISION

1. The development, as altered by the Authority, is consistent with the primary purpose of Zone MD (Multiple Dwelling Residential) of the Northern Territory Planning Scheme, being to provide for a range of housing options to a maximum height of two storeys above ground level. The development offers single and two storey housing options within the same site.

In regard to the scale of the development, while the two storey aspect of the proposal may not reflect the predominant single storey character of the area, the two storey dwellings are still of a scale which is compatible with adjacent and nearby single storey residential developments.

In regard to the architectural style of the development, the rendered blockwork and integrated hip and gable colourbond roofing is consistent with the architectural styles of adjacent and nearby dwellings.

In regard to the streetscape, the altered development's varied setbacks to the primary and secondary street boundaries, the tiered building height, open pool-style fencing and the landscaping proposed would ensure that the development would be compatible with and contribute to the final character of the Inverway Circuit and Kirkimbie Court streetscapes in a manner consistent with the intention of the Planning Scheme.

2. Pursuant to section 51(n) of the *Planning Act*, in considering a development application the Authority must take into account the potential impact on the existing and future amenity of the area in which the land is situated.

Pursuant to Clause 2.5 (Exercise of Discretion by the Consent Authority) of the Planning Scheme, the consent authority may impose a condition requiring a higher standard than that set out in Part 4, if it considers it necessary to do so.

Taking into account section 51(n) of the *Planning Act* and the purpose of Clause 7.3 (Building Setbacks of Residential Buildings) of the Planning Scheme, an increase of the northern side setbacks to a minimum of 3 metres is required to further minimise any potential impacts of the development on the amenity of the neighbouring dwelling at 2 Kirkimbie Court.

Regarding the resultant front setback encroachments, the topography, unusual shape and corner nature of the lot and the requirement for access from Kirkimbie Court are considered to cumulatively represent a special circumstance. The required width of the driveway and minimum setback requirements to primary and secondary street boundaries as well as between buildings constrain the options for the placement of buildings within the site.

A variation to the setback requirements of Clause 7.3 (Building Setbacks of Residential Buildings) is acceptable given that the altered front setbacks would be consistent with the purpose of this clause. Considering the single storey nature of the buildings fronting Inverway Circuit, their location within the site, the varied building line and predominately open nature of structures within this primary street frontage and the screening vegetation proposed, the reduced setbacks would not have an adverse impact on the Inverway Circuit/Kirkimbie Court streetscapes in terms of building massing, lead to overlooking of adjacent properties or compromise breeze penetration between buildings.

3. In regard to the layouts of the dwellings, the Authority and submitters to the application share a concern that as proposed, any of the dwellings could be illegitimately adapted at a later date (with only minor internal alterations) to result in more than five self-contained dwellings within the site.

Considering the application material and statements made by the applicant in relation to the proposal, the Authority could not be satisfied that the dwelling layouts, as proposed, have sufficient merit or offer optimal amenity for future residents to justify the approval of these layouts, given their potential for adaptation at a later date.

Therefore, and pursuant to sections 51(n) and (e) of the *Planning Act* and the purpose of Clause 7.1.1 (Residential Density Limitations) of the

Planning Scheme, amended plans demonstrating a reconfiguration of the dwelling layouts are required to minimise the potential to adapt any of the dwellings at a later date to form separate self-contained dwellings. Such adaptation would result in a more intense dwelling density within the site which it is incapable of supporting, and consequent impacts on the amenity of the development and the surrounding area.

Considering the relatively minor internal alterations that would be required to increase the dwelling density on site, and taking a long-term and precautionary view, the Authority is of the opinion that amended dwelling layouts are warranted to address this issue.

4. Taking into account section 51(n) of the *Planning Act*, a reduction in the combined height of the open pool-style fencing and retaining walls fronting Inverway Circuit and Kirkimbie Court is necessary to minimise the overall visual impact of the wall/fence on the amenity of the area.
5. Regarding the overall fence height, the topography of the site combined with the competing interests of maintaining a usable private open space area for Unit 1 while minimising the visual impact of the wall/fence is considered to cumulatively represent a special circumstance.

Reducing the fence height may result in instances along the street boundary where the overall wall/fence height would be less than the required 1.8 metres, relative to the internal final ground level.

A variation to the fence height requirement of Clause 7.5 (Private Open Space) is acceptable given that a lower fence would assist in minimising any adverse visual impact of the overall wall/fence height on the Inverway Circuit/Kirkimbie Court streetscapes. The lower wall/fence height and the associated screening vegetation would still satisfy the intent of this clause by providing privacy for the occupants of Unit 1 and a visual barrier to the public street.

6. Taking into account the purpose of Clause 6.5.3 (Parking Layout) of the Planning Scheme, being to ensure that a car parking area is appropriately designed, constructed and maintained for its intended purpose, the removal of the western door from the Unit 1 laundry/storeroom is required to improve the functionality of the visitor car parking, which is considered to outweigh any benefit of having two accesses to the storeroom.

7. Taking into account section 51(n) of the *Planning Act*, further information on the aesthetic treatment of the retaining walls fronting the street and the adjacent public park is considered necessary to ensure that the visual impact of these walls on the amenity of the Inverway Circuit/Kirkimbie Court streetscapes and Eric Asche Park is minimised.

ACTION: Notice of Consent and Development Permit

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



PETER MCQUEEN
Chairman

28/8/13