



DEVELOPMENT CONSENT AUTHORITY

PALMERSTON DIVISION

MINUTES

MEETING No 186 – WEDNESDAY 16 MARCH 2016

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

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

APOLOGIES: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), Deborah Curry, Anthony Brennan, Alex Tobin and Roxanne Willing (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 9.45 am and closed at 11.10 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 **CHANGES TO DP15/0623 FOR AN INCREASE IN FLOOR AREA AND MINOR**
PA2016/0079 **EXTERNAL CHANGES INCLUDING ADDITIONAL CAR PARKING SPACES**
LOT 2884 (103) DWYER CIRCUIT, TOWN OF PALMERSTON
APPLICANT **PALMERSTON GOLF & COUNTRY CLUB**

Mr Andrew Swenson (IN 4D), Mr Noel Fray (Palmerston Golf & Country Club), Mr Paul Winter and Mr Tony Agostino (Habitat) and attended.

RESOLVED
21/16

That, the Development Consent Authority reduce the number of parking bays determined in accordance with Clause 6.5.1 (Parking Requirements) of the NT Planning Scheme to 147 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 the commencement of works (including site preparation), a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Palmerston's underground stormwater drainage system shall be submitted to and approved by the City of Palmerston 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.

GENERAL CONDITIONS

2. Works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority 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 on the plan of subdivision submitted for approval by the Surveyor General.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities and electricity services to

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

6. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to City of Palmerston and/or the Department of Lands, Planning and the Environment as the case may be 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. 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.
9. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways;
 - (c) undertake reinstatement works;All to the technical requirements of and at no cost to the City of Palmerston, to the satisfaction of the consent authority.
10. Before the use or occupation of the development starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat;
 - (d) drained;
 - (e) line marked to indicate each car space and all access lanes; and
 - (f) clearly marked to show the direction of traffic along access lanes and driveways;Car spaces and driveways must be kept available for these purposes at all times.
11. Before the use/occupation of the development starts, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
13. No fence, hedge, tree or other obstruction exceeding a height of 0.6 m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
14. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

15. 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:

147 car parking spaces and 18 golf buggy parking bays and are being provided where 161 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.

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 Consent and Development Permit

ITEM 2 **CHANGES TO DP14/0730 TO INCLUDE ADDITIONAL USES OF MEDICAL**
PA2016/0038 **CLINIC AND RESTAURANT**
APPLICANT **LOT 5694 (1) MANNIKAN COURT, TOWN OF PALMERSTON**
PLANIT CONSULTING

Ms Catriona Tatam (Planit Consulting) attended.

RESOLVED That the Development Consent Authority determine to reduce the car parking
22/16 requirements pursuant to Clause 6.5.2 (Parking Requirements) of the Northern
Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent
to the application to develop Lot 5694 (1) Mannikan Court, Town of Palmerston for
the purpose of changes to the development approved by DP14/0730 to include the
additional uses of a medical clinic (6 consulting rooms) and an interchangeable 'shop,
office and restaurant' tenancy, as well as minor internal and external changes and
changes to the car parking layout, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of works, a Construction Traffic Management Plan (CTMP) for the construction of the development and all of its components must be submitted to and approved by Department of Transport and City of Palmerston to the satisfaction of the consent authority. When approved, the CTMP will be endorsed and will then form part of the permit. The use must at all times be conducted in accordance with the endorsed CTMP which must include, but not necessarily be limited to, the following:

- (a) How the development will manage the free flow of traffic (including public transport) during the construction period, including details of haulage routes as required by the Public Transport Division of the Department of Transport;
- (b) Road works required within the surrounding street network to facilitate access to the site for construction vehicles; and
- (c) Identification of possible risks and impacts of works on the surrounding residential areas and response measures to be implemented during the construction and establishment of the use.

THIS CONDITION HAS BEEN CLEARED THROUGH THE CLEARANCE OF DP14/0730 CONDITIONS PRECEDENT

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

THIS CONDITION HAS BEEN CLEARED THROUGH THE CLEARANCE OF DP14/0730 CONDITIONS PRECEDENT

- 3. Prior to commencement of works (including site preparation), an Erosion and Sediment Control Plan (ESCP), is to be developed and subsequently implemented by suitably qualified and experienced professional in erosion and sediment control planning to the satisfaction of the consent authority on advice from the Department of Land Resource Management to ensure sediment laden run off does not leave the site during the construction phase of the development. The IECA Best Practice Erosion and Sediment Control Booklets 2008 should be referenced as a guide to the type of information, detail and data that should be included in an ESCP and the Plan should detail control measures for construction phase of the proposed use including proposed measures to be installed and used so vehicles leaving the site do not deposit mud or other materials on roadways; and an endorsed copy of the Plan will form part of this permit and all works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the satisfaction of the consent authority.

THIS CONDITION HAS BEEN CLEARED THROUGH THE CLEARANCE OF DP14/0730 CONDITIONS PRECEDENT

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 works are to be in accordance with the Construction Traffic Management Plan approved as part of DP14/0730 to the satisfaction of the consent authority.

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 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 Department of Transport, and/or City of Palmerston as the case may be, to the satisfaction of the consent authority.
9. Access to the site during construction shall be as agreed with the Department of Transport, and City of Palmerston. Construction and delivery vehicles shall not be permitted to park on the Chung Wah Terrace or the Lambrick Avenue road reserves.
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 and/or Department of Transport as the case may be, 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;
12. The car parking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their visitors.
13. "No entry/no exit" signs and arrows directing the internal traffic movement on site shall be provided at completion of building to the requirements and satisfaction of the consent authority.
14. Engineering design and specifications for the affected roads, street lighting, stormwater drainage, vehicular access, and streetscaping including kerb crossovers and driveways to the site approved by this permit are to be to the technical requirements of City of Palmerston and/or Department of Transport as

the case may be, to the satisfaction of the consent authority and all approved works are to be constructed at the developer's expense.

15. 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.
16. 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.
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 identified in the ESCP approved through DP14/0730 must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
19. All air conditioning condensers, external plant and equipment 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.
20. Waste bin storage shall be provided to the requirements of City of Palmerston's to the satisfaction of the consent authority.
21. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into the Department of Transport's or City of Palmerston's drains or to any watercourse.
22. The loading and unloading of goods from vehicles must only be carried out on the land.
23. No goods are to be stored or left exposed outside the buildings so as to be visible from any public street.
24. Any floodlighting or security lighting provided on site must be designed, baffled and located or shielded in a manner to prevent the lighting causing nuisance to adjoining land to the satisfaction of the consent authority.
25. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - (a) transport of materials, goods or commodities to or from the land;
 - (b) appearance of any building, works or materials;
 - (c) emission of noise, artificial light, vibration, smell, fumes, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and
 - (d) presence of vermin.

26. Deliveries to and from the site (including waste collection), and the loading and unloading of goods, must only take place between 7.00am – 7.00pm Monday to Saturday and 9.00am – 5.00pm on Sunday.
27. Before the use commences the developer/owner is to provide confirmation of a written agreement from the owners of Lot A and Lot C allowing reciprocal parking arrangements between the two lots for the life of the development, to the satisfaction of the consent authority.
28. Medical clinic operating hours are limited to between the hours of 8:00am to 5:00pm and on an appointment-only basis except in emergency situations.

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. The Northern Territory Environment Protection Agency Environment advises that construction work should be conducted in accordance with the Agency's Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
3. The development should be constructed in accordance with the Building Code of Australia and must meet the requirements of the Public Health Act, Public Health (Shops, Eating Houses, Boarding Houses, Hostels and Hotels) Regulations, as well as the proposed Public Health Guidelines for Commercial Visitor Accommodation and approval should be obtained from the Department of Health.
4. Notwithstanding the approved plans, all signage is subject to City of Palmerston approval, at no cost to Council.
5. All proposed works impacting on the Chung Wah Terrace and Lambrick Avenue are to be designed, supervised and certified on completion by a practicing and registered civil engineer, and shall be in accordance with the standards and specifications of the Department of Transport. Drawings must be submitted to the Transport Infrastructure Planning Division for Road Agency approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".
6. The owner/developer of the service station must advise the Northern Territory Environment Protection Authority of activities to be conducted at this site, in the approved format.

7. Department of Health advise that if the nature of the facility changes to incorporate any use or storage of radiation apparatus or radioactive material the applicant is advised that approval is required under the *Radiation Protection Act*.
8. Any proposed works which fall within the scope of the *Construction Industry Long Service Leave and Benefits Act* must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.

REASONS FOR THE DECISION

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

The proposed changes to the development approved by DP15/0730 do not alter the development in any significant way and do not introduce any incompatible uses on the site. The changes are of a scale and character appropriate to the service function of the centre and respect the amenity of adjacent and nearby uses and as such the proposal is therefore consistent with the purpose of the zone.

2. Pursuant to Clause 6.5.2 (Reduction in Parking Requirements) a reduction of the parking requirements for the development from 341 to 333 is granted as:
 - The Technical Note 2016/04 prepared by Aurecon concludes that while the car parking provided for the site falls marginally below the statutory requirements for the individual development elements it is considered sufficient to accommodate anticipated peak parking demands;
 - The proposal includes a number of different but complementary commercial uses and is likely to attract a high number of multi-purpose trips to the site;
 - The proposal includes 8 motorcycle parking bays which the consent authority has previously granted reductions at a ratio of 1 less car space for every 3 motorcycle spaces provided (at a rate not exceeding 1 motorcycle space per 25 car spaces required for the overall development);
 - The medical clinic located in Stage 3 will operate on an appointment-only basis between the hours on 8:00am to 5:00pm (except in emergency situations), and as such peak demand is unlikely to coincide with the nearby restaurant use to such a degree that there will be no available parking on the site;
 - Condition 27 requires that the developer/owner provide confirmation of a written agreement from the owners of Lot A and Lot C allowing reciprocal parking arrangements between the two lots for the life of the development; and

- Condition 28 limits the opening hours of the medical clinic to between the hours of 8:00am to 5:00pm and on an appointment-only basis (except in emergency situations).
3. Pursuant to Section 51(e) of the *Planning Act*, the consent authority must take into consideration any public submissions made under section 49, and any evidence or information received under section 50, in relation to the development application.

One public submission was received during the exhibition period under Section 49 of the *Planning Act* with respect to the proposal. The submission raised concerns with access and traffic impacts, parking, internal traffic and pedestrian circulation and amenity impacts.

Internal traffic and pedestrian movement remains largely unchanged from that previously approved and is considered adequate for the purposes of safe, convenient and efficient movement. The application identifies that pedestrian access will be clearly delineated and crossings clearly marked, and the pedestrian spine through the supermarket site will be protected from vehicles by bollards and also provide a tactile environment to ensure safe use of the pedestrian network by people with disabilities. The changes proposed do not alter the development in any significant way and do not introduce any incompatible uses on the site and as such there is not expected to be any significant impact on the amenity of adjoining and surrounding land.

4. Pursuant to Section 51(j) of the *Planning Act*, the consent authority must take into consideration the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.

The site was previously considered capable of accommodating the proposed development as part of the determination associated with DP15/0730. The changes proposed do not alter the development in any significant way and do not introduce any incompatible uses on the site.

5. 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 for that purpose.

Conditions Precedent as required by the development approved by DP15/0730 have all be cleared, and it is anticipated that these measures, combined with standard conditions relating to the connection and upgrade of utility services and the provision and treatment of easements, are expected to ensure that utility and infrastructure requirements are appropriately addressed.

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

The land is zoned accordingly to accommodate the development. The changes proposed do not alter the development approved by DP14/0730 in any significant way and do not introduce any incompatible uses on the site and are not considered to further affect the potential impact on the existing or future amenity of the area.

ACTION: Notice Determination

ITEM 3 **CARPORT ADDITION TO AN EXISTING SINGLE DWELLING WITH A REDUCED**
PA2016/0032 **SIDE SETBACK**
LOT 10454 (3) BETANO STREET, TOWN OF PALMERSTON
APPLICANT **BENCK MARKETING SERVICE PTY LTD**

Ms Wendy Hutchinson (Benck Marketing Service Pty Ltd) and Mr Mason Anderson (landowner) attended.

RESOLVED That, the Development Consent Authority vary the requirements of Clause 7.3
23/16 (Building Setbacks of Residential Buildings) 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 10454 (3) Betano Street, Town of Palmerston for the purpose of a carport addition to an existing single dwelling with a reduced side setback, 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 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 to show:
 - a) An appropriately designed and sealed driveway area providing access to the carport via the existing driveway and wholly located within the subject site; and
 - b) Where adjacent to the private open space (verandah) of the adjoining residence the carport is to be appropriately screened to provide a visual barrier and be designed in such a way that does not impact on the amenity of the adjoining residence.
2. Prior to the prior to the endorsement of plans and prior to the commencement of works (including site preparation), a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Palmerston's

underground stormwater drainage system shall be submitted to and approved by the City of Palmerston, to the satisfaction of the consent authority. The plan shall include details of site levels and stormwater drain connection points. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system.

GENERAL CONDITIONS

3. The 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. 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.
6. 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.

NOTES:

1. This permit will expire if one of the following circumstances applies:
 - a) the development and use is/are 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.

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 development is consistent with the primary purpose of zone SD (Single Dwelling Residential) as the carport addition is ancillary to the single dwelling and appropriate to the area.

2. The requirement to alter the proposal to require show an appropriately designed and sealed driveway area providing access to the carport via the existing driveway and wholly located within the subject site is considered acceptable to ensure that access to the carport is limited to via the existing crossover and not over City of Palmerston land.
3. The requirement to alter the proposal to require the carport to be appropriately screened and provide a visual barrier where adjacent to the private open space (verandah) of the adjoining residence, and be designed in such a way that does not impact on the amenity of the adjoining residence is considered acceptable to ensure that the proposal does not unreasonably affect the use and enjoyment of the adjacent land.
4. A variation to the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) to allow a side setback of 0.8mm where 1.5m is required by the Northern Territory Planning Scheme is granted as:
 - The proposal is generally compatible with the streetscape and surrounding development, and the requirement for amended plans relating to access, stormwater management and screening where adjacent to the private open space of the adjoining residence should ensure that the proposal does not impact on adjoining land or the street;
 - Breeze penetration is unlikely to be materially affected as the carport is an open structure; and
 - The gutter/eave is setback 0.6m which is consistent with the minimum eave setback for a compliant 1.5m carport setback with 0.9m overhang.
5. 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 the collection and discharge of stormwater is managed to Council's satisfaction, it is considered that the development will not adversely impact on the amenity of the surrounding area.

ACTION: Notice of Consent and Development Permit

ITEM 4 **ALTERATIONS AND ALFRESCO DINING ADDITIONS TO AN EXISTING LICENCED CLUB**
PA2016/0025 **LOT 5976 (10) TEMPLE TERRACE, TOWN OF PALMERSTON**
APPLICANT **GOLDBOX**

Mr Paul Winter (Habitat) attended on behalf of the applicant.

RESOLVED That, pursuant to section 53(b) of the *Planning Act*, the Development Consent
24/16 Authority alter the proposed development and consent to the proposed development as altered to develop Lot 5976 (10) Temple Terrace, Town of Palmerston for the purpose of alfresco additions to an existing licenced 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 include:
 - a. A pedestrian crossing with appropriate signage from the Calazys building to the Palmerston Shopping Centre with kerb ramps on each side of the road;
 - b. A ramp off the pathway along the shopping centre into the northern car park;
 - c. A renewed landscaping plan for the verge to sufficiently screen the car park;
 - d. A continuous awning along whole front of the Calazys building
 - e. A ramp off of the front calazys pathway into the southern car park; and
 - f. All pedestrian access and swept paths in accordance with the relevant Australian Standards.
To the satisfaction of the consent authority.

GENERAL CONDITIONS

2. Works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority 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 on the plan of subdivision submitted for approval by the Surveyor General.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities and electricity services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
6. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to City of Palmerston and/or the Department of Transport as the case may be to the satisfaction of the consent authority.
7. Before the use/occupation of the development starts, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.

8. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
9. No fence, hedge, tree or other obstruction exceeding a height of 0.6 m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
10. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
11. Storage for waste disposal bins is to be provided to the requirements of City of Palmerston to the satisfaction of the consent authority.
12. "No entry/no exit" signs and arrows directing the internal traffic movement on site shall be provided at completion of building to the requirements and satisfaction of the consent authority.

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.

Lot 5946 includes the Palmerston Shopping Centre as the primary use of the land and the existing Cazalys club (the proposed development site) as an ancillary use. As the proposed alfresco additions are an expansion of

the existing ancillary use the proposal is considered to be consistent with the purpose of the zone.

2. 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 does not comply with Clause 8.2 as it does not include site-responsive design of commercial or civic development and is not pleasant nor does it contribute to a safe environment. The proposal specifically does not comply with sub-clauses (i), (j), (k), (m) and (o). A variation to sub –clause:

- (i) is not supported as the proposal does not provide safe and convenient movement of pedestrians to and from the site;
- (j) is not supported as the proposal does not include convenient pedestrian links, particularly for the disabled, to other buildings and public spaces;
- (k) is not supported as the Cazalys building does not provide continuous protection for pedestrians from sun or rain;
- (m) is not supported as the proposal does not provide adequate landscaping to reduce the visual impact and provide shade and screening of open expanses of pavement and car parking; and
- (o) is supported as the use at the site does not generate a need for bicycle parking.

A condition precedent to address the non-compliances with Clause 8.2 has been included to encourage the safe movement of pedestrians and vehicles to and from the site, convenient pedestrian links, disabled access to and from the site, protection of pedestrians from the sun and the rain and improved or renewed landscaping to reduce the visual bulk of car parking.

4. Pursuant to Section 51(j) of the *Planning Act*, the consent authority must take into consideration the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.

Lot 5976 (10) Temple Terrace, Town of Palmerston forms a core part of the Palmerston CBD including the Palmerston Shopping Centre. It is irregular in shape and has street frontages to Temple Terrace and Chung Wah Avenue. The site is surrounded by land in Zones CB (Central Business) of the Scheme. The site is currently developed for the purpose of the Cazalys 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 Transport’s 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.

5. Pursuant to Section 51(p) of the *Planning Act*, the consent authority must take into consideration the public interest including community safety through crime prevention principles in design, water safety and access for persons with disabilities.

The proposal includes the addition of two alfresco dining areas. While this development of the club will increase the potential for passive surveillance of Temple Terrace-Maluka Drive intersection and the Palmerston Bus Depot, the design of the walls significantly limits the opportunity for casual surveillance.

The proposal does not take into account access for persons with disabilities and as such a condition precedent has been included to address the lack of access options. Signage and way finding principles should also be implemented as a part of improved pedestrian links to the shopping centre and bus depot. This will assist in the formalisation of the interface between Cazalys and the shopping centre enabling safe movement through this space for vehicles and pedestrians.

ACTION: Notice of Consent and Development Permit

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



DENIS BURKE
Chairman

17/3/16