



DEVELOPMENT CONSENT AUTHORITY

PALMERSTON DIVISION

MINUTES

MEETING No 148 – WEDNESDAY 20 FEBRUARY 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, Sarah Gooding and Roxanne Willing (Development Assessment Services)

COUNCIL REPRESENTATIVE: Wendy Smith (Items 1-4 only) and Mr Ted Vivian (Item 5 only)

Meeting opened at 9.30 am and closed at 10.45 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 **3 X 3 BEDROOM MULTIPLE DWELLINGS IN 2 SINGLE STOREY BUILDINGS**
PA2012/1004 **LOT 10726 (50) GERARDINE CRESCENT, TOWN OF PALMERSTON**
APPLICANT **DPL DEVELOPMENTS**

Mr Darron Lyons (DLP Developments), Mr Israel Kgosiemang (One Planning Consult) and Mr Arnold Nutt (developer) attended.

RESOLVED
16/13

That, pursuant to section 53(b) of the *Planning Act*, the Development Consent Authority alter the proposed development and consent to the proposed development as altered to develop Part Lot 10032 (proposed Lot 10726) Chung Wah Terrace, Town of Palmerston, for the purpose of 3 x 3 bedroom multiple dwellings in 2 x 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:
 - 1.8m high pool fencing complemented by landscaping along boundaries of private open space of units where private open space adjoins a public street; and
 - a combination of solid and permeable fencing along the property's southern boundary.

GENERAL CONDITIONS

2. 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 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. 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. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of City of Palmerston, to the satisfaction of the consent authority. The Developer shall be responsible for the relocation of the kerb crossovers, driveways or any other relevant infrastructure deemed necessary by the City of Palmerston.
7. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways; andAll to the technical requirements of and at no cost to the City of Palmerston, to the satisfaction of the consent authority.
8. Before the use/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 there is a 1m x 1m electricity easement for the Underground Residential Distribution (URD) pillar on the

property. Inappropriate fencing and blocking the 24hr access for operations and maintenance purposes is not permitted.

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

Provided that stormwater will be appropriately managed on site without impacting on surrounding residential areas and disposed of into Council's stormwater drainage system no adverse impact on the surrounding land is anticipated.

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

As subdivision works are currently taking place, the amenity of the area is still being developed. The proposal is low density and as such is unlikely to adversely impact on the amenity of the locality.

4. A combination of screen and open style fencing and landscaping along the southern boundary of the site will allow for breeze penetration whilst ensuring privacy to adjoining properties.

ACTION: Notice of Consent and Development Permit

**ITEM 2
PA2012/0975
APPLICANT**

**EXTENSION OF 32 ROOMS TO AN EXISTING AGED-CARE FACILITY
LOT 8409 (1) KETTLE STREET, TOWN OF PALMERSTON
RPP AUSTRALIA PTY LTD**

Council tabled a copy of an email from Council to Mr Levieux in relation to drainage.

Mr Luke Ingrams (RPP Australia Pty Ltd) and Mr Dudley Levieux (Senior Project Leader, Hodgkison Architecture) attended.

**RESOLVED
17/13**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 8409 (1) Kettle Street, Town of Palmerston for the purpose of a 32 room extension of to an existing aged-care facility, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of use, a traffic management plan must be submitted to and approved by the consent authority addressing the use of the property for the purpose of a 32 room extension of to an existing aged-care facility. When approved, the plan will be endorsed and will form part of the permit. Traffic movements 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 and if deemed necessary, to the satisfaction of Department of Transport, to the satisfaction of the consent authority.
2. Before the development starts, 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 plan must show:
 - a) a survey (including botanical names) of all existing vegetation to be retained and/or removed;
 - b) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity, and quantities of each plant;
 - c) landscaping and planting within all open areas of the site;
 - d) number of canopy trees (minimum two metres tall when planted) in the communal open space areas; 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.

GENERAL CONDITIONS

3. Works carried out under this permit shall be in accordance with drawings endorsed as forming part of this permit.
4. 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.

5. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
6. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage and electricity services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
7. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to City of Palmerston to the satisfaction of the consent authority.
8. Storage for waste disposal bins is to be provided to the requirements of Palmerston City Council to the satisfaction of the consent authority.
9. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
10. Before the use or occupation of the development starts, the area(s) 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;to the satisfaction of the consent authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.
11. 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.

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 design and construction of all food premises must comply with the *NT Food Act 2004*, National Food Safety Standards and the Building Code of Australia.

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 primary purpose of Zone CP is to provide for community services and facilities, whether publicly or privately owned or operated, including facilities for civic and government administration. The proposal is to extend an existing aged-care facility. An aged-care facility is consistent with the purpose of Zone CP, to provide for community services and facilities.

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

As the proposed development is to extend an existing aged-care facility, the approved use of the land will not be changing. Furthermore, the site is conveniently located within close proximity to the Palmerston Health Precinct and there are no other uses located nearby. The extensions will be well setback from both the Kettle Street and Farrar Boulevard street frontages and will be screened by native vegetation and additional planted vegetation. The provision of a landscaping plan will ensure that there is adequate landscaping on-site to provide a high level of visual amenity within the development and ensure communal open space is adequately shaded for future residents. For these reasons, it is considered that there will be no impact upon the existing and future amenity of the area.

ACTION: Notice of Consent and Development Permit

ITEM 3 **10 X 3 BEDROOM MULTIPLE DWELLINGS IN 4 SINGLE STOREY BUILDINGS**
PA2012/1002 **LOT 9637 (152) FORREST PARADE TOWN OF PALMERSTON**
APPLICANT **RAW DESIGNS**

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

RESOLVED That, the Development Consent Authority vary the requirements of Clause 7.3
18/13 (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 9637 (152) Forrest Parade, Town of Palmerston for the purpose of 10 x 3 bedroom multiple dwellings in 4 x 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) amended driveway to the site in accordance with the requirements of City of Palmerston; and
 - (b) fencing along the site's boundary fronting public areas be amended to include visually permeable fencing to ensure that amenity of this prominent location is not compromised.
2. 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 stormwater drainage system shall be submitted to and approved by the City of Palmerston, to the satisfaction of the consent authority. The plan shall include details of site levels and Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system.

GENERAL CONDITIONS

3. Works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
4. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities and electricity services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
6. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to City of Palmerston to the satisfaction of the consent authority.
7. No direct access, either for construction purposes or permanently, shall be permitted from the Forest Parade road reserve. All access shall be from the internal road network (via Haydon Street) to the standards and approval of City of Palmerston. Construction and delivery vehicles shall not be parked on the Forest Parade road reserve.
8. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of City of Palmerston, to the satisfaction of the consent authority.

9. The owner shall:
 - (a) Remove disused vehicle and/ or pedestrian crossovers;
 - (b) Provide footpaths/ cycleways;
 - (c) undertake reinstatement works;All to the technical requirements of and at no cost to the City of Palmerston, to the satisfaction of the consent authority.
10. Before the use or occupation of the development starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat;
 - (d) drained;
 - (e) line marked to indicate each car space and all access lanes; and
 - (f) clearly marked to show the direction of traffic along access lanes and driveways;
11. 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.
12. Before the use/occupation of the development starts, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
13. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
14. No fence, hedge, tree or other obstruction exceeding a height of 0.6 m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
15. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
16. 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.

NOTES:

1. This permit will expire if one of the following circumstances applies:
 - (a) the use is not started within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.The consent authority may extend the periods referred to if a request is made in writing before the permit expires.
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
3. This development permit does not grant "building approval" for the proposed structure. The Building Code of Australia requires that certain structures within 900mm of a boundary meets minimum fire resistance level requirements and you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing demolition or construction works.
4. 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 option for potential residents of Rosebery.

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.

A variation to Clause 7.3 (Building Setbacks of Residential Buildings) of the Scheme to allow:

- **units 1 and 2** be setback 1.5m from proposed cul-de-sac where 2.5m is required;

- the verandah of **unit 6** be setback 2.8m from Haydon Street where 5m is required and the building containing **units 6 and 7** to be setback 4.25m where 6.5m is required; and
- the verandah of **unit 10** be setback 3.5m from the corner of Haydon Street and the proposed cul-de-sac where 6.5m is required and the building containing **units 8, 9, and 10** is proposed to be setback 5.9m from Haydon Street where 8.5 is required;

is granted as the development is considered to be generally consistent with the objectives of the setback clause considering the following:

- the relatively large site shares only one boundary with adjoining residential allotments and that all of the proposed dwellings are single storey as such no adverse effects of building massing or loss of privacy resulting from overlooking is expected;
- the majority of the site's frontage will be fenced by 1.8m high pool fencing complemented by landscaping which will screen protruding corners of buildings with reduced setbacks; and
- Spaces between the buildings and thoroughfares coupled with articulated walls provide some opportunity for breeze penetration.

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

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

4. 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 proposed landscaping effectively screens the development from the street, and provided suitable fencing is erected along the property's frontage within the cul-de-sac, the proposal is considered likely to positively contribute to the future amenity of the locality.

ACTION: Notice of Consent and Development Permit

ITEM 4
PA2013/0026

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

LOT 9247 (7) MCAULAY STREET, TOWN OF PALMERSTON

APPLICANT

DEPARTMENT OF INFRASTRUCTURE

Mr Colin Fripp (Department of Infrastructure) and Mr Wayne Wright (Department of Housing) attended.

Mr Fripp tabled:-

- amended plans showing landscaping; and
- civil engineering design for the site.

**RESOLVED
19/13**

That, the Development Consent Authority vary the requirements of Clause 6.5.3 (Parking Layout) and Clause 6.11 (Garages and Sheds) 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 9247 (7) McAulay Street, Town of Palmerston for the purpose of 4 x 2 and 3 x 1 bedroom multiple dwellings in 4 single 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 submitted with the application but modified to show:
 - Additional landscaping in front of sheds of units 1, 5 and 6 that will grow to a height of 2 metres to partially screen the sheds of from public view.

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 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. 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. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of City of Palmerston, to the satisfaction of the consent authority. The Developer shall be responsible for the relocation of the kerb crossovers, driveways or any other relevant infrastructure deemed necessary by the City of Palmerston.
7. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways; andAll to the technical requirements of and at no cost to the City of Palmerston, to the satisfaction of the consent authority.
8. Before the use/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 there is a 2m x 2m electricity easement for the Underground Residential Distribution (URD) pillar on the property. Inappropriate fencing and blocking the 24hr access for operations and maintenance purposes is not permitted.
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, providing a contemporary living space for general waitlisted clients, senior Territorians and people living with disability.

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.

A variation to Clause 6.5.3 (Parking Layout) of the Scheme to allow tandem style car parking arrangement for each dwelling is granted as:

- an internal road network allows for adequate onsite vehicle manoeuvrability so that cars will not be reversing onto Davis Court;
- the driveways for each dwelling are located within an internal road network and as such no visual impact on Davis Court is anticipated;
- proposed dwellings are small and it is not expected there will be a significant demand for parking spaces on site;
- two separate visitor parking bays are provided; and
- the internal driveway width complies with the requirements of the Northern Territory Planning Scheme and it is considered that the internal road network provides opportunities for the manoeuvrability of cars entering and exiting from parking spaces.

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

A variation to Clause 6.11 (Garages and Sheds) of the scheme to allow:

- The shed of **unit 1** to have a setback of 1.0m from the secondary street, where 2.5m is required, and no setback from the side boundary where 1.5m is required;
- the shed of **unit 5** to have a setback of 1.0m from the primary street, where 6.0m is required, and no setback from the side boundary where 1.5m is required; and
- the shed of **unit 6** to have a setback of 2.0m from the primary street where 6.0m is required

is granted as the sheds will be effectively screened by fencing and comprehensive landscaping which will also lessen the visual impact of the development on the streetscape.

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.

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

ACTION: Notice of Consent and Development Permit

**ITEM 5
PA2012/1022
APPLICANT**

**SUBDIVISION TO CREATE 276 LOTS (THE HEIGHTS DURACK STAGES 3-9)
LOTS 11505 & 11506 (2 & 20) ROYSTONEA AVENUE, TOWN OF PALMERSTON
ELTON CONSULTING**

Ms Wendy Smith (Elton Consulting) and Mr Jeremy Clark (CIC) attended.

Ms Smith tabled an amended submission in which the proposed Stage 8 had been removed from the proposed subdivision advising that footprint of proposed Stage 8 will be subdivided in a different manner to that originally proposed and exhibited and that a new application for this area will be lodged at a later date.

**RESOLVED
20/13**

That the Development Consent Authority vary the provisions of Clause 11 of the SP8 (Specific Use Zone Palmerston No. 8), and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lots 11505 & 11506 (20 & 2) Roystonea Avenue, Town of Palmerston for the purpose of a subdivision to create 276 lots in 9 stages (Stages 3-9), subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the commencement of works (including site preparation) an Erosion and Sediment Control Plan (ESCP), to the Department of Land Resource Management's requirements, 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 ESCP should address the International Erosion Control Association (IECA) Best Practice Erosion and Sediment Control Guidelines 2008 and should detail management measures / interventions to be implemented to mitigate impacts to water quality and detail the containment measures for sediment on site.

GENERAL CONDITIONS

2. Works carried out under this permit shall be in accordance with the drawings numbered 2012/1022/1 through to 2012/1022/6 endorsed as forming part of this permit.
3. The applicant shall demonstrate to the satisfaction of the consent authority how potential purchasers will be informed about the specific terms of the SU8 zone of the NT Planning Scheme, and in particular how the requirements of endorsed setback plan and house and land package documentation apply to each site.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities, and telecommunication networks to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for approval by the Surveyor General.
6. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
7. Stormwater drainage shall be wholly contained within the site and discharged into the local stormwater system to the standards and approval of Department of Lands, Planning and the Environment and/or City of Palmerston as the case may be. All proposed lots fronting Roystonea Avenue shall be graded such that the stormwater run-off from the properties is away from the road and is able to be collected within the development area and appropriately discharged into the local stormwater system.
8. All unsuitable soil within Stages 3 through to 9 must be removed and replaced with appropriate soil type(s), with all excavation and/or filling to be designed, supervised and certified on completion by a practising and registered Civil Engineer, confirming that the land is suitable of the intended residential use and development, in accordance with Australian Standard AS3798: Guidelines on earthworks for commercial and residential developments, to the satisfaction of the consent authority.
9. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
10. Where unfenced, the Roystonea Avenue frontage is to be appropriately fenced in accordance with the Department of Transport's standards and requirements to deter unauthorised vehicular and/or pedestrian movement.

11. All proposed work (including provision of services) within, or impacting upon the Roystonea Avenue, University Avenue or Tiger Brennan Drive Road reserves shall be designed, supervised and certified on completion by a practicing and registered civil engineer, and shall be in accordance with the standards and specifications of the Chief Executive, Department of Transport. Drawings must be submitted to the Director Roads for Road Agency, Department of Transport, irrespective of approvals granted by other Authorities. No works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".
12. The developer shall have carried out, as part of stage __ works, and in accordance with AS3671-1989, "Acoustics – Road Traffic Noise Intrusion – Building Siting and Construction" an assessment by a suitably qualified person of the development's present and predicted future exposure to road traffic noise levels, and where required provide appropriate noise attenuation measures to the satisfaction of the Authority. All noise attenuation works deemed necessary shall be carried out by and at the full cost of the developer and shall be wholly contained (including foundations) within the subject lot. All noise attenuation works deemed necessary, either by building materials and design or lot layout, shall be carried out by and at the full cost to the developer and shall be wholly contained within the subject lot.

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) 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. There are statutory obligations under the *Weeds Management Act* to take all practical measures to manage weeds on the property. For advice on weed management please contact the Department of Land Resource Management.
3. The NT Environment Protection Agency advises that construction work should be conducted in accordance with the Agency's Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
4. The Developer, his Contractor or Service Provider is required to obtain a "Permit to Work within a Road Reserve" from the Manager Road Operations, Road Projects Division, Department of Construction and Infrastructure (2nd Floor, Highway House, Palmerston) prior to the commencement of any works within the Roystonea Avenue road reserve.

5. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities.
6. Any stormwater drains and WSUD should conform to the *Public and Environmental Health Act 2011* and the associated Public Health (General Sanitation, Mosquito Prevention and Rat Exclusion and Prevention) Regulation, in regards to preventing mosquito breeding.
7. The permit holder should ensure that only uncontaminated fill is accepted and that the fill has been adequately assessed as being suitable for the intended use. Polluting a site with contaminated fill may constitute an offence under the *Waste Management and Pollution Control Act*.

REASONS FOR THE DECISION

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

The proposed subdivision will facilitate the development of Lot 11505 (Lot B) and Lot 11506 (Lot C) in accordance with the objectives of the zone as a the subdivision layout provides for housing choices through a range of lot sizes and housing types and includes open space and community uses. Although no commercial is anticipated at this stage it is noted that commercial uses are interchangeable with the residential uses subject to a number of requirements.

A variation to clause 11 (Building Setbacks) of zone SP8 of the Scheme to allow a change to the primary and secondary street frontages of Lots 124, 138, 144, 147, 157, 160, 180, 192, 193, 225, 226, 242, 243, 281, 298, 304, 308, 309, 322, 323, 328, 342, 356, and 360 is supported as:

- It will enable streets with 2 – 3 dwellings to be uniform in design;
- Enable additional surveillance of public areas and pedestrian walkways;
- The impact of fencing on the streetscape will be minimised; and
- The proposed layout provides the safe manoeuvring of traffic through the whole development.

A variation to clause 11 (Building Setbacks) of zone SP8 of the Scheme to allow a reduced front setback of 4.5m on Lots 105, 106, 107, 111, 112, 113, 114, 120, 121, 122, 124, 126, 127, 129, 130, 133, 134, 135, 139, 148, 153, 156, 157, 161, 164, 170, 176, 177, 178, 179, 184, 185, 186, 187, 188, 191, 192, 193, 196, 199, 200, 207, 208, 209, 210, 219, 220, 224, 225, 226, 227, 240, 241, 242, 243, 244, 245, 252, 255, 267, 266, 272, 273, 274, 275, 278, 279, 280, 281, 282, 287, 289, 290, 295, 296, 297, 298, 299, 305, 317, 327, 328, 332, 348, 352, 355, and 371 where 6m is required by the Scheme is supported as:

- The proposed setback changes will allow for variety of built form in the streetscape and diversity in housing options in this new estate;
 - Soften building mass where lots of a size greater than 400m² adjoin lots less than 400m²;
 - The variation will allow for the retention of existing significant vegetation and opportunities for additional articulation through vegetation; and
 - The varied setbacks will enable the developer to work with the existing slope of the lots and streets and to work with these site features rather than overly manipulating the existing site features
2. Pursuant to Section 51(j) of the *Planning Act*, the consent authority must take into consideration the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.

Provided that stormwater is adequately addressed, that cut and fill works are undertaken to facilitate an orderly residential development on each site and an Erosion and Sediment Control Plan is developed to address the potential for disturbed soils to enter stormwater systems, the land is considered capable of supporting the subdivision without any adverse impact on surrounding land.

ACTION: Notice of Consent and Development Permit

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



PETER MCQUEEN
Chairman

22/2/13

