DEVELOPMENT CONSENT AUTHORITY

PALMERSTON DIVISION

MINUTES

MEETING No. 204 – WEDNESDAY 15 NOVEMBER 2017

BOULEVARD ROOM
QUEST PALMERSTON
18 THE BOULEVARD
PALMERSTON

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

APOLOGIES: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), Joseph Sheridan, Alexandra Tobin and Alexander Deutrom (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 9.45 am and closed at 11.15 am
THE MINUTES RECORD OF THE EVIDENTIARY STAGE AND THE DELIBERATIVE STAGE ARE
RECORDED SEPARATELY. THESE MINUTES RECORD THE DELIBERATIVE STAGE. THE TWO STAGES
ARE GENERALLY HELD AT DIFFERENT TIMES DURING THE MEETING AND INVITEES ARE PRESENT
FOR THE EVIDENTIARY STAGE ONLY.

ITEM 1
PA2017/0467

PLACE OF WORSHIP EXCEEDING 8.5M IN HEIGHT TO BE DEVELOPED IN 5
STAGES
LOT 9550 (104) BONSON TERRACE, TOWN OF PALMERSTON

APPLICANT
HAMES SHARLEY

Mr Adam Prentice (Hames Sharley), Mr Iqbal Faruque (Secretary, Islamic Society of Palmerston), Mr Chowdhury Sadaruddin and Mr Usman Siddique attended.

RESOLVED
68/17

That, the Development Consent Authority vary the requirements of Clause 6.1 (General Height Requirements) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application to develop Lot 9550 (104) Bonson Terrace, Town of Palmerston for the purpose of a place of worship exceeding 8.5m in height to be developed in 5 stages.

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation) a Traffic Impact Assessment shall be submitted to the requirements of the City of Palmerston, to the satisfaction of the consent authority. The Traffic Impact Assessment must be prepared by a suitably qualified traffic engineer and must include:

(a) An assessment against the AustRoads Document Guide to Traffic Management Part 12: Traffic Impacts of Developments, in the report structure as provided as Appendix C;
(b) Details on vehicular, pedestrian, cyclist and public transport issues and opportunities; and
(c) Information on any necessary upgrades to the surrounding street network as a result of the implications of the development.

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 and / or the Department of Infrastructure, Planning and Logistics, Transport and Civil Services Division stormwater drainage system shall be submitted to and approved by the City of Palmerston and / or the Department of Infrastructure, Planning and Logistics, Transport and Civil Services Division, 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 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. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement of site is to be created.

6. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage, electricity facilities and telecommunications to the development 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 the City of Palmerston to the satisfaction of the consent authority.

8. The owner shall:
   (a) Remove disused vehicle and/or pedestrian crossovers;
   (b) Provide footpaths/ cycleways;
   (c) Collect stormwater and discharge it to the drainage network; and
   (d) Undertake reinstatement works;
       All to the technical requirements of and at no cost to the City of Palmerston, to the satisfaction of the consent authority.

9. 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.

10. The landscaping is to be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.

11. 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.

12. Appropriate soil erosion, sediment and dust control measures must be effectively implemented throughout the construction stage of the development and all disturbed soil surfaces must be suitably stabilised against erosion at completion of works to the requirements of the NT EPA, to the satisfaction of the consent authority.

13. 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.

14. Storage for waste disposal bins is to be provided to the requirements of City of Palmerston to the satisfaction of the consent authority.

15. Any proposed work (including the provision or connection of services) within, or impacting upon the Elrundie Avenue road reserve shall be in accordance with the standards and specifications of the Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics. Design documents must be submitted to the Director Corridor Management, Transport and Civil Services division for Road Agency Approval and no works are to commence prior to approval.
16. The loads of all trucks entering and leaving the site of works are to be constrained in such a manner as to prevent the dropping or tracking of materials onto streets. This includes ensuring that all wheels, tracks and body surfaces are free of mud and other contaminants before entering onto the sealed road network. Where tracked material on the road pavement becomes a potential safety issue, the developer will be obliged to sweep and clean material off the road, to the requirements of the Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics, 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. 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 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. 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 08 936 4070 to determine if the proposed works are subject to the Act.

4. The Transport, Civil Services Division of the Department of Infrastructure, Planning and Logistics advise that the finish of any Prime Identification sign adjacent to Elrundie, if erected, shall be such that, if illuminated, day and night readability is the same and is of constant display (i.e. not flashing or variable message). The sign shall be positioned:
(a) so as not to create sun or headlight reflection to motorists; and
(b) be located entirely (including foundations and aerially) within the subject lot.

5. The City of Palmerston advises that all signs are subject to the City of Palmerston’s sign regulations. Signs include decorative writing, logos and identification information located on the boundaries or within the site and visible from the streetscape.

6. A “Permit to Work Within a Road Reserve” may be required from the Department of Infrastructure, Planning and Logistics, Transport and Civil Services Division before commencement of any work within the road reserve.

7. Where unfenced, the Elrundie Avenue frontage is to be appropriately fenced in accordance with the Department of Infrastructure, Planning and Logistics, Transport and Civil Services Division standards and requirements to the satisfaction of the consent authority.
8. Any floodlighting or security lighting provided on site should be shielded in a manner to prevent the lighting being noticeable or causing nuisance to Elrundie Avenue traffic.

9. Upon completion of any works within or impacting upon the Elrundie Avenue road reserve, the road reserve shall be rehabilitated to the standards and requirements of the Department of Infrastructure, Planning and Logistics, Transport and Civil Services Division.

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 proposing to upgrade the existing Islamic Centre of Palmerston. The proposed use is considered to be consistent with the purpose of the zone as the centre will continue to provide community services and facilities to the Palmerston and surrounding communities.

2. A variation to the requirements of Clause 6.1 (General Height Control) to allow a building height of 13.35m, is granted as:
   - The portion of the building that exceeds the prescribed maximum height requirement of 8.5m is non-habitable;
   - A majority of the development is below the maximum height limitation of 8.5m;
   - Tall trees along the northern and western side boundaries are expected to assist in screening the structure from adjacent Zone SD (Single Dwelling) and Zone MD (Multiple Dwelling) land;
   - The height of the minaret has been measured from the point below ground level;
   - The overall area of encroachment is minor in terms of the size of the site and the proposed structure;
   - Features of this nature are not uncommon for places of worship; and
   - Palm trees proposed as part of the development are expected to assist in screening the minaret from adjacent and nearby residential lots when fully grown.

3. Pursuant to Section 51(e) of the Planning Act any submissions made under section 49 in relation to the development application.

   No submissions were received during the exhibition period under Section 49 of the Planning Act with respect to the proposed development.

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

   Dense vegetation proposed along the northern and eastern boundaries of the site is expected to reduce any potential impact on the existing and future amenity of the adjoining residential allotments.

   Architectural design features including articulation and fenestration along the northern and eastern boundaries are expected to reduce
any potential impact on the existing and future amenity of the area. The existing and proposed landscaping along the northern and eastern boundaries will further assist in screening the development form adjacent residential allotments.

The NT EPA have not raised any issues in relation to noise. The consent authority note that the existing and proposed vegetation will assist in screening the development form adjoining residential allotments. Therefore, provided that landscaping is maintained on site, the development is unlikely to have a negative impact on the existing and future amenity of the area.

5. Pursuant to Section 51(m) of the Planning Act, the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer.

The City of Palmerston advised of concerns in relation to the surrounding road network and requested a Traffic Impact Assessment be undertaken to ensure that the proposed development’s impact is properly considered. Condition precedent 1 was subsequently included and all other service authority comments received are addressed through the inclusion of standard conditions of development.

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

**ITEM 2**

PA2017/0441

6 X 4 BEDROOM MULTIPLE DWELLINGS IN 6 SINGLE STOREY BUILDINGS IN 4 STAGES

LOT 11946 (3) RUSSELL STREET, TOWN OF PALMERSTON

APPLICANT

ASHFORD GROUP PTY LTD

DAS tabled an amended site plan submitted by the applicant.

Mr Randal Ashford (Ashford Group Pty Ltd) attended.

**RESOLVED 69/17**

That, pursuant to section 46(4)(b) of the Planning Act, the Development Consent Authority defer consideration of the application to develop Lot 11946 (3) Russell Street, Town of Palmerston for the purpose of a 6 x 4 bedroom multiple dwellings in 6 storey buildings in 4 stages, to require the applicant to provide the following additional information that the Authority considers necessary in order to enable proper consideration of the application:

- Amended plans demonstrating a greater level of compliance with the following requirements of the Northern Territory Planning Scheme, and or further justification for any special circumstances that the applicant wishes to have considered in relation to:
  - Clause 6.5.3 (Parking Layout);
  - Clause 7.3 (Building Setbacks for Residential Buildings and Ancillary Structures);
  - Clause 7.3.1 (Additional Setback Requirements for Residential Buildings longer Than 18 metres and for Residential Buildings Over 4 Storeys in Height);
  - Clause 7.3.2 (Distance between Residential Buildings on One Site); and
Amended plans demonstrating compliance with the requirements of Zone SP8 (Specific Use Zone Palmerston No.8) Clause 16 Private Open Space of the Northern Territory Planning Scheme;
Amended landscaping plan which includes solid fencing and/or the addition of dense screen vegetation separating each of the six multiple dwellings;
Further justification to support the proposed staging of the six multiple dwellings; and
Any amendments to the application that arise as a result of the above information request.

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.

   Notwithstanding the application’s compliance with the purpose of Zone SP8 (Specific Use Palmerston No 8), the proposed development does not comply with the requirements of Clause 6.5.3 (Parking Layout), Clause 7.3 (Building Setbacks for Residential Buildings and Ancillary Structures), Clause 7.3.1 (Additional Setback Requirements for Residential Buildings longer Than 18 metres and for Residential Buildings Over 4 Storeys in Height), Clause 7.3.2 (Distance between Residential Buildings on One Site) of the Northern Territory Planning Scheme. The Development Consent Authority (DCA) notes that the application does not comply with the requirements of Clause 16 Private Open Space of Zone SP8 (Specific Use Palmerston No. 8) and is required to ensure privacy between the dwellings on site is maintained. Furthermore, the applicant has not provided justification as to why compliant setbacks cannot be achieved. Whilst non-compliances to the Scheme are considered to be relatively minor, together they exacerbate the individual non-compliances and are unable to be supported. In order to properly consider the proposed variations, the consent authority requires further justification and/or amended plans addressing the identified non-compliances and further information requests.

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

   The consent authority considers further information is required to ensure that the proposed development and in particular the staging arrangements will not unduly impact the existing and future amenity of the area.

   ACTION: Advice to Applicant
SINGLE DWELLING WITH REDUCED SIDE AND REAR SETBACK
LOT 13302 (15) BANKSIA STREET, TOWN OF PALMERSTON
RAW DESIGNS

Mr Robert Watt (Raw Designs), Mr Israel Kgosiemang (One Planning Consult),
Mr Nick and Mr George Tsikouris (Directors, Tsikouris Investments – landowners,
Directors Alpha Homes - builders), Mr Ian Izod (Building Certifier) attended.

RESOLVED
70/17

That, pursuant to Section 57(3) of the Planning Act, the Development Consent
Authority vary Development Permit DP17/0386 by removing condition 2 which
currently prevents the single dwelling being used as a display home, subject to
the following conditions:

CONDITION PRECEDENT

1. Prior to the commencement of the use of the dwelling as a display home,
   confirmation in the form of photos is required that the following three (3)
signs have been installed at the specific locations and designed in
   accordance with the requirements outlined below, to the satisfaction of the
   consent authority:

   a. A sign placed at the front of the subject site of an appropriate size
      that is clearly legible from the Banksia Street frontage;

   b. A sign prominently placed inside the dwelling in the area currently
      used as the sales office;

   c. A sign placed at the rear of the property on the non-compliant building
      wall;

   d. The three (3) signs referred to above are to have the following
      wording: “This dwelling design does not satisfy the performance
      criteria of the Northern Territory Planning Scheme in relation to
      setbacks and is unable to be replicated on a site of this size”.

   e. The signs must be displayed at eye level and be of a suitable design
      and size that clearly displays the required wording.

GENERAL CONDITIONS

2. The three (3) signs referred to in condition precedent 1 are to be displayed
   on site until such time that the use of the single dwelling as a display home
   ceases.

3. The works carried out under this permit shall be in accordance with
   drawings 2017/0305/01 through to 2017/0305/05 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 and approval to
   carry out works shall be obtained prior to the commencement of
   construction, to the satisfaction of the consent authority.

5. All existing and proposed easements and sites for existing and required
   utility services must be vested in the relevant authority for which the
   easement or site is to be created.

6. The owner of the land must enter into agreements with the relevant
   authorities for the provision of water supply and sewerage facilities and
   electricity services to the land shown on the endorsed plan in accordance
   with the authorities' requirements and relevant legislation at the time.
7. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the City of Palmerston, to the satisfaction of the consent authority.

8. 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.

9. 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.

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/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. Storage for waste disposal bins is to be provided to the requirements of the City of Palmerston to the satisfaction of the consent authority.

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation’s servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

2. A “Permit to Work Within a Road Reserve” is required from the City of Palmerston or before commencement of any work within the road reserve.

3. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.

REASONS FOR THE DECISION

1. Pursuant to section 57(3) of the Planning Act, the consent authority must only vary a condition of a development permit if the proposed variation will not alter a measurable aspect of the development by a margin greater than 5% or the alteration resulting from the proposed
variation is not conveniently measurable and will not materially affect the amenity of adjoining or nearby land or premises.

The nature of condition 2 on DP17/0386 is such that the 'alteration resulting from the proposed variation is not conveniently measurable'. A variation to DP17/0386 to remove condition 2 and allow the use of the single dwelling as a display home is granted for the following reasons:

- The consent authority expressed concerns that the single dwelling being used as a display home is not in accordance with the relevant endorsed setback plan or current Northern Territory Planning Scheme (NTPS) provisions and is misleading to the general public. To ensure that community expectations align with the expected type of development throughout the broader Zuccoli subdivision, the consent authority resolved to include additional conditions requiring signs to be placed on site while it is being used as a display home informing the general public that the location of the single dwelling in relation to side and rear boundary setbacks do not comply with the applicable NTPS provisions;

- The consent authority notes that the letters received from landowners adjacent the affected rear and side boundaries confirming no objections demonstrates that the potential impact on the residential amenity of these landowners has been adequately considered. It is further noted that the dwelling adjacent to the rear boundary is currently occupied for residential purposes which suggests that any potential for a longer-term impact on the residential amenity of this dwelling is somewhat addressed. In relation to the west side boundary, the authority notes that any future landowner/resident will be able to make an informed decision as the dwellings are already built allowing the setback between the dwellings to be visually considered prior to being occupied for residential purposes.

**ACTION:** Variation to Development Permit

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

SUZANNE PHILIP
Chair

17/11/17