DEVELOPMENT CONSENT AUTHORITY

PALMERSTON DIVISION

MINUTES

MEETING No 192 – WEDNESDAY 19 OCTOBER 2016

BOULEVARD ROOM
QUEST PALMERSTON
18 THE BOULEVARD
PALMERSTON

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

APOLOGIES: Nil

OFFICERS PRESENT: Kate Walker (A/Secretary), Anthony Brennan, Alex Tobin, Hanna Steevens (Development Assessment Services) and Steven Conn (Lands Planning)

COUNCIL REPRESENTATIVE: Gerard Rosse

Meeting opened at 10.00 am and closed at 12.50 pm
ITEM 1
PA2016/0562
ADDITIONS TO AN EXISTING SINGLE DWELLING WITH A REDUCED SECONDARY STREET SETBACK
LOT 9513 (1) ZERONI STREET, TOWN OF PALMERSTON
APPLICANT
JB INDUSTRIES (NT) PTY LTD

Mr Rodney Warren Jessup did not appear at the meeting.

RESOLVED
70/16
That, pursuant to section 46(4)(b) of the Planning Act, the Development Consent Authority defer consideration of the application to develop Lot 9513 (1) Zeroni Street, Town of Palmerston, for the purpose of additions to an existing single dwelling with a reduced secondary street setback to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

- Amended plans (including floor plans) identifying how the proposed additions will be incorporated into the overall function and use of the existing single dwelling;
- Amended plans demonstrating a greater level of compliance with Clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) of the Scheme; and/or
- Further information that justifies the merits of the development and the variation sought.

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 request for additional information is necessary as the submitted plans do not accord with Clause 7.3 (Building Setbacks of Residential Setbacks and Ancillary Structures) of the Scheme, and the application does not provide sufficient justification to grant the variation sought.

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.

The proposed addition is located with a zero metre setback to the secondary street, which may be out of character with the Zeroni Street streetscape due to the size and siting of the proposed addition.

ACTION: Notice of Deferral
RESOLVED
71/16

That, the Development Consent Authority vary the requirements of Clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application to develop Lot 4654 (8) Callie Court, Town of Palmerston for the purpose of a shed addition to an existing single dwelling with a zero metre rear setback, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to the 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) Detailed treatments and finishes for the solid rear boundary fence and shed which achieves high quality integration between the fence and shed, and a high level of visual amenity which minimises any adverse effects of building massing when viewed from Lambrick Avenue.

2. 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.
NOTES

1. 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.

2. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites in the Northern Territory. 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 development is consistent with the primary purpose of zone SD (Single Dwelling Residential) as the shed addition is ancillary to the single dwelling and appropriate to the area.

2. The requirement for amended plans detailing treatments and finishes for the rear boundary fence and shed is required to ensure the proposal achieves a high level of visual amenity and minimises any adverse effects of building massing when viewed from Lambrick Avenue.

3. A variation to the requirements of Clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) to allow a zero metre rear setback where 1m is required by the Northern Territory Planning Scheme is granted as:
   - Subject to amended plans being provided, the proposal achieves a high level of visual amenity and minimises any adverse effects of building massing when viewed from Lambrick Avenue;
   - The addition is non-habitable and therefore there is no overlooking of adjoining properties; and
   - The proposed location makes the best use of available space on the property given the site is somewhat constrained due to the irregular shape of the lot, as well as the location and orientation of the existing dwelling and private open space areas/swimming pool.

4. Pursuant to Section 51(m) 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.
5. 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 3**  
**PA2016/0119**  
**RECONSIDERATION: 22.4M HIGH TELECOMMUNICATIONS FACILITY WITH ASSOCIATED ANTENNAS AND EQUIPMENT SHELTER**  
**LOT 9785 (30) LATRAM COURT, TOWN OF PALMERSTON**  
**APPLICANT**  
**VISIONSTREAM PTY LTD**

Ms Joanna Ward from Visionstream Pty Ltd attended with Ms Lisa Kelly from Optus.

Submitters present included Mr Tony Sievers, Local for Member for Brennan with Ms Olga Dalrymple and Mr Ryan Schoenmacher. Mr Andy Matthewson tabled two aerial photos of the site. Ms Kay Cook, Mr Lindsay McDowell and Ms Sharon Cox were in attendance.

**RESOLVED**  
**72/16**  
That, pursuant to section 53(a) of the Planning Act, the Development Consent Authority consent to the application to develop Lot 9785 (30) Latram Court, Town of Palmerston for the purpose of a 22.4m high telecommunications facility with associated antennas and equipment shelter, subject to the following conditions:

**CONDITIONS**

1. Works carried out under this permit shall be in accordance with the drawings numbered 2016/0119/01 through to 2016/0119/03 endorsed as forming part of this permit.

2. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.

3. 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.

4. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity facilities to the development shown on the endorsed plan in accordance with the authorities’ requirements and relevant legislation at the time.

5. 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.

6. A lockable gate is to be provided at the road reserve / access track entry. The gate and its location are to be the standards of and at no cost to the City of Palmerston to the satisfaction of the consent authority.

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7. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

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 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.

It is considered that the proposed development is consistent with the purpose of Zone SP3 (Specific Use) as the telecommunications facility will not impact on the ability of the surrounding land to be developed in accordance with the zone which is to facilitate the development of the land as a residential suburb.

With respect to Clause 13.5 (Telecommunications Facilities) it is considered that the application demonstrates:

• That co-location opportunities were not available within the search area and none of the surrounding sites achieved coverage objectives;
• That a detailed feasibility assessment of three sites has been undertaken and includes an acceptable rational for the preferred site;
• That the location and design of the facility minimises the amenity impacts as it is located approximately 100m north and 200m west from the nearest residential dwelling, and the compound area will be largely shielded from adjacent land uses by the existing vegetation; and
• The photomontage included with the application shows that the location of the structure minimises the amenity aspects of the proposal.

Given the above it is considered that the proposal complies with the purpose of the clause. The structure is located an adequate distance from the nearest residential dwellings, the compound is adequately screened by the existing vegetation, and access to the site does not unreasonably impact adjacent land. It is therefore considered that the proposal does not unreasonably detract from the amenity of the locality.
2. Pursuant to section 51(e) of the Planning Act, the consent authority must take into account any submissions made under section 49 in relation to the development application. Thirty seven submissions were received which raised concerns with the proposal, particularly in regard to amenity impacts on surrounding residential areas, health concerns in relation to the radiofrequency and electromagnetic energy (EME) emitted from the facility, impacts to the existing flora and fauna as a result of clearing, questions around why the facility cannot be co-located with an existing tower, and the rational for the preferred site.

With regards to amenity, co-location, and the rational for the preferred site, the Authority considers that the application and supporting documentation has adequately addressed the requirements of the Northern Territory Planning Scheme, and therefore considers that the proposal will not unreasonably detract from the amenity of the locality. The Department of Environment and Natural Resources, as a referral agency responsible for providing advice regarding potential flora and fauna impacts associated with development proposals, has advised that if the development is located as proposed there are unlikely to be any flora and fauna issues associated with the construction of the tower and associated access to the proposed facility.

With regards to EME emissions, the Authority is advised that frequency and energy levels in which mobile technologies operate are regulated by the Australian Communication and Media Authority (ACMA) and Australian Radiation protection and Nuclear Safety Agency (ARPANSA), who set limits as to how much power and EME emissions a mobile phone base station can produce before resulting in potential harmful impacts to the community. The applicant has advised that the maximum EME level calculated for the proposed facility at the proposed location is 2.69% of the public exposure limit. The Authority therefore considers that there are unlikely to be any health impacts associated with the proposal.

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.

The Department of Environment and Natural Resources and the City of Palmerston have not identified any issues of concern with respect to land capability. Therefore, 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 account the potential impact on the existing and future amenity of the area in which the land is situated.

The potential impact on the existing and future amenity of the area has been largely addressed through the assessment of Clause 13.5 (Telecommunications Facilities). Due to the height and design of the telecommunications facility, the tower is expected to have some impact on the existing and future amenity of the area irrespective of its siting on the Lot 9785, however it is considered that the proposed location and treatment of the facility minimises the visual appearance of the facility.
such that it does not unreasonably detract from the amenity of the locality. Furthermore, the compound area will be shielded by existing vegetation and it is well separated from Sanctuary Lakes and Lakeview Boulevard.

**ACTION:** Notice of Consent, Development Permit and Endorsed Plans

**SUBDIVISION TO CREATE 237 LOTS IN 5 STAGES (ZUCCOLI 3 AND 4 SUB-STAGE 3)**

LOT 12432 & 12433 ZUCCOLI PARADE, TOWN OF PALMERSTON

**APPLICANT**

MASTERPLAN NT

Ms Linda Henning from MasterPlan attended with Mr Hermans Louw and Mr Mike Schokman.

**RESOLVED**

73/16

That, pursuant to section 53(c) of the *Planning Act*, the Development Consent Authority refuse to consent to the application to develop Lots 12432 & 12433, Town of Palmerston for the purpose of subdivision to create 237 lots in 5 stages (Zuccoli 3&4 sub-stage 3) for the following reasons:

**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 purpose of Clause 11.1.3 (Subdivision of Land Zoned FD) of the Northern Territory Planning Scheme is to provide for the subdivision of land in Zone FD in a manner that would not prejudice the intended ultimate subdivision and future use or development of the land. Land in Zone FD may be subdivided generally in accordance with any relevant Area Plan once services are, or can be, made available to that land. Despite anything to the contrary in the Planning Scheme, the consent authority may permit subdivision into lots of a size and configuration consistent with the intended ultimate zoning of the land. The relevant Area Plan for this locality is the Palmerston Eastern Suburbs Planning Principles and Area Plan as identified at Clause 14.5.1 of the Northern Territory Planning Scheme.

The Authority considers that current proposal prejudices the intended ultimate subdivision and future use and development of the land, as the application fails to demonstrate that a primary neighbourhood centre, as required by the Area Plan, can be located and designed in a manner consistent with the relevant requirements. The primary concern is that the current application seeks approval for road infrastructure and a development area which limits the available land for a neighbourhood centre that meets the intention of the Area Plan.

The Authority notes that the application includes an indicative Stage 4 development area which includes an indicative primary neighbourhood centre. The Authority makes the following comments in relation to the indicative Stage 4 primary neighbourhood centre:

- The Authority considers that the revised centre location fails to achieve the requirements of the Area Plan in terms of walkability. The Authority
acknowledges that the indicative centre location could potentially achieve adequate density within its 400m walkable catchment, but notes that a large number of dwelling sites (including those within stages previously approved by the Authority) would no longer be within a 400m walkable catchment compared to the previously identified location. In any event the Authority does not consider the applicant’s “walkable catchment plan” to be an accurate reflection of the walkable catchment area given the indicative centre point is located in the public open space area well outside the centre of the commercial area.

- The relocation of the indicative centre to the periphery of the site including parts of the centre into constrained land (biting insect buffer) and adjacent to rural residential land is contrary to the Northern Territory Compact Urban Growth Policy and reverses the concept of transition in density, which encourages a transition zone where dwelling and activity density becomes less intense and transition to lower densities away from activity centres.

- The location of the indicative centre is a significant departure from the previously identified primary neighbourhood centre presented to the Authority during the Stage 1 pre-application briefing and included as a supporting document within all previous subdivision applications.

- The Authority also notes the comments raised by City of Palmerston at the application hearing that Council has been supplied insufficient information to determine whether the proposed road alignments, intersections, traffic calming measures and access to high density dwellings off South Loop Road can comply with Council’s requirements, should a neighbourhood centre be located at the indicative location.

The Authority notes that the application includes an indicative “Option 2” primary neighbourhood centre located adjacent to and north of the proposed South Loop Road. The Authority considers that the “Option 2” centre location also fails to achieve the requirements of the Area Plan in terms of walkability, and that the site does not offer sufficient scope to perform the function of a primary neighbourhood centre.

**ACTION:** Notice of Refusal

**ITEM 5 PA2016/0399**

**CONCURRENT APPLICATION: REZONE FROM ZONE MD TO PART ZONE MR AND PART ZONE C AND DEVELOP THE SITE FOR 24 X 3 BEDROOM MULTIPLE DWELLINGS IN 4 X 2 STOREY BUILDINGS AND A COMMERCIAL DEVELOPMENT COMPRISING RESTAURANTS, SHOPS AND OFFICES IN 1 X 1 STOREY AND 1 X 2 STOREY BUILDINGS**

**LOT 10288 (3) TARAKAN COURT, TOWN OF PALMERSTON**

**APPLICANT**

ONE PLANNING CONSULT & EAVAN COYNE

Mr Israel Ksogieman from One Planning Consult attended with landowner Mr David Anthony, Ms Eavan Coyne and Ms Chantelle Frith.
Submitters present included Mr Brad Cunnington from Northern Planning Consultants with Mr Aidan Geaney and Ms Melinda Handford; Ms Linda Henning from Masterplan with Mr Hermans Loun and Mr Schokman; Mr Santosh Linga and Mr Satish Meka.

RESOLVED 74/16
That, under section 30Q of the Planning Act, the Development Consent Authority report to the Minister for Lands and Planning on the preliminary decision, issues raised in the submissions, issues raised at the hearing and any other matters it considers the Minister should take into account when considering the proposal.

ACTION: Report to the Minister

RESOLVED 75/16
Pursuant to section 30P(1)(b) of the Planning Act, the Development Consent Authority determine that if the Minister were to approve the amendment proposed by the concurrent application, the Development Consent Authority would be likely to determine to consent to the application to develop Lot 10288 (3) Tarakan Court Town of Palmerston for the purpose of 24 x 3 bedroom multiple dwellings in 4 x 2 storey buildings and a commercial development comprising restaurants, shops and offices in 1 x 1 storey and 1 x 2 storey buildings, under section 30W(1)(a) subject to a number of conditions relating to:

- The preparation of a traffic impact assessment report prepared in accordance with the Austroads Guidelines, which outline changes that will be required to the surrounding road network and address vehicular, pedestrian, cyclist and public transport issues and opportunities.
- The preparation of schematic and detailed design documentation for the stormwater drainage infrastructure and connections to the existing infrastructure.
- The preparation of detailed design documentation (engineering design, design report and specifications) for all proposed works to roads, stormwater drainage, street lighting, vehicular accesses, pedestrian/cycle paths, landscaping, irrigation and streetscaping.
- The preparation of an Erosion and Sediment Control Plan (ESCP).
- General conditions relating to works within a road reserve, fencing and lighting, waste management, landscaping, and another general conditions as relates to service authority requirements.

REASONS FOR THE DECISION

1. Pursuant to sections 30P(2)(a) and (b) of the Planning Act, the consent authority must take into account any planning scheme that applies to the land to which the application relates and the amendment proposal contained within the application.

The development proposal is generally consistent with the requirements of the NT Planning Scheme if the land were in Zone MR (Multiple Dwelling Residential) and C (Commercial). The commercial component is consistent with all of the applicable performance criteria. The multiple dwelling component is consistent with all of the applicable performance criteria except for Clause 7.5 (Private Open Space), and it has been demonstrated that the private open space areas provided meet the purpose of the clause.
2. Pursuant to Section 30P(2)(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.

Should the application be approved, precedent and general conditions on any development permit issued would require:

- A traffic impact assessment report;
- Schematic and detailed design documentation for the stormwater drainage infrastructure and connections to the existing infrastructure;
- Detailed design documentation (engineering design, design report and specifications) for all proposed works to roads, stormwater drainage, street lighting, vehicular accesses, pedestrian/cycle paths, landscaping, irrigation and streetscaping; and
- An erosion and sediment control plan.

It is anticipated that these measures, combined with standard conditions relating to the connection and upgrade of utility services, are expected to ensure that suitable and functional access to and from the local road network will be achieved, that the land is developed in accordance with physical capabilities, address concerns raised by service authorities, and ensure utility and infrastructure requirements are appropriately addressed.

**ACTION:** Advice to Applicant

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

[Signature]

STEPHEN WARD
Delegate

26/10/16

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These minutes record persons in attendance at the meeting and the resolutions of the Development Consent Authority on applications before it. Reliance on these minutes should be limited to exclude uses of an evidentiary nature.