



DEVELOPMENT CONSENT AUTHORITY

PALMERSTON DIVISION

MINUTES

MEETING NO. 259 – FRIDAY 15 SEPTEMBER 2023 AT 10:15 AM

**AGORA ROOM
HUDSON BERRIMAH
4 BERRIMAH ROAD
BERRIMAH**

MEMBERS PRESENT: Suzanne Philip (Chair), Trevor Dalton, Elisha Harris, Sarah Henderson and Athina Pascoe-Bell

APOLOGIES: Nil

LEAVE OF ABSENCE: Nil

OFFICERS PRESENT: Elya Sugg (Acting Secretary) Adelle Godfrey (Manager), Fletcher Willis and Daniel Herlihy

COUNCIL REPRESENTATIVE: Peter Lander, Ned Talbot and Ivan Ng

Meeting opened at 10:15am and closed at 11:00 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 TIME DURING THE MEETING AND INVITEES ARE PRESENT FOR THE EVIDENTIARY STAGE ONLY.

ITEM 1 **DWELLING-GROUP (6 X 3 BEDROOM) IN 3 X SINGLE STOREY BUILDINGS**
PA2023/0204 **LOT 9907 (5) CROWSON CLOSE, DURACK, TOWN OF PALMERSTON**

Applicant Goldbox

Applicant Maria Pajarillo and Paul Winter (Habitat NT) attended

RESOLVED That, pursuant to section 53(a) of the *Planning Act 1999*, the Development Consent
11/23 Authority consent to the application to develop Lot 9907 (5) Crowson Close, Durack,
Town of Palmerston for the purpose of dwelling-group (6 x 3 bedroom) in 3 x single
storey buildings, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of works, a stormwater plan shall be prepared to the requirements of Palmerston Golf and Country Club Incorporated and the City of Palmerston (as applicable). The stormwater plan shall show how the on-site management of stormwater is discharge into the local and trunk stormwater drainage system.
2. Prior to the commencement of works, in principle approval from the City of Palmerston is required for the crossover to the site, to the satisfaction of the consent authority.
3. Prior to the commencement of works, details of waste servicing shall be submitted to and approved by the City of Palmerston, to the satisfaction of the consent authority.

GENERAL CONDITIONS

4. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage, electricity and telecommunication networks to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time. Please refer to notations 1, 2, and 3 for further information.
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. 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.
8. Confirmation shall be provided to Development Assessment Services (in the form of an email addressed to the Power and Water Corporation) from a suitable qualified professional confirming that all new number labels have been correctly installed at the Customer's Metering Panel(s) and water meters (where applicable).

Please provide a copy of an email addressed to both developmentnorth@powerwater.com.au and powerconnections@powerwater.com.au.

9. Prior to the use/occupation of the development and connection of services (i.e. power and water), the owner of the land must apply for street addressing from the Surveyor-General of the Northern Territory. This will form the legal address and will be required to be placed on the meters within the development in accordance with the allocation. An Occupancy Permit will not be able to be granted until such time as addressing is obtained.
10. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the Palmerston Golf and Country Club Incorporated and/or the City of Palmerston (as applicable) to the satisfaction of the consent authority.
11. 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. The owner shall:
 - a. remove disused vehicle and/ or pedestrian crossovers; and
 - b. undertake reinstatement works.All to the technical requirements of and at no cost to the City of Palmerston, to the satisfaction of the consent authority.
12. Storage for waste disposal bins is to be provided to the requirements of the City of Palmerston to the satisfaction of the consent authority.
13. 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 to the requirements of the City of Palmerston to the satisfaction of the consent authority.
14. Before the use/occupation of the development starts, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
15. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
16. 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 parking spaces, access lanes and driveways must be kept available for these purposes at all times.
17. The private open space areas of each dwelling shall be screened on each boundary by:
 - (a) the erection of a solid wall or screen fence not less than 1.8 metres high; or

- (b) fenced to a height not less than 1.8 metres high and planted with dense vegetation.
18. All air conditioning condensers (including any condenser units required to be added or replaced in the future) 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.
19. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the consent authority.

Notes

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (powerdevelopment@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 onsite and/or surrounding infrastructure.
2. All developers, including owner-builders, are required to comply with Commonwealth telecommunications requirements. Under Commonwealth law, developers are generally required to provide fibre-ready pit and pipe in their developments at their expense. Developers may be able to access an exemption from these arrangements in some circumstances. For more information visit www.infrastructure.gov.au/tind
3. If you choose nbn to service your development, you will need to enter into a development agreement with nbn. The first step is to register the development via <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html> once registered nbn will be in contact to discuss the specific requirements for the development. Nbn requires you to apply at least 3 months before any civil works commence. All telecommunications infrastructure should be built to nbn guidelines found at <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/newdevelopments/buildersdesigners.html>
4. This development permit is not an approval to undertake building work. You are advised to contact a Northern Territory registered building certifier to seek a building permit as required by the Northern Territory Building Act 1993 before commencing any demolition or construction works. Due to provisions in the National Construction Code (NCC), the subject lots may need to be consolidated before a building permit can be issued.
5. The Surveyor-General advises you should immediately make application for unit/street addresses to the Survey and Land Records unit on (08) 8995 5354 (surveylandrecords@nt.gov.au).
6. Any proposed works on/over City of Palmerston property shall be subject to separate application to City of Palmerston and shall be carried out to the requirements and satisfaction of City of Palmerston.
7. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act 2005 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 RECOMMENDATION

1. Pursuant to section 51(1)(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The NT Planning Scheme 2020 applies to the land and dwellings-group (3+) requires consent under Clause 1.8 (When development consent is required). It is identified as Merit Assessable in the zone table to Clause 4.3 Zone LMR (Low-Medium Density Residential) and requires the exercise of discretion of the consent authority in determining whether the use can be established and operated in a way that does not impact on the amenity of the area and accords with the relevant zone purpose and outcomes.

Clause 1.10(3) requires in considering an application for consent for a use or development identified as Merit Assessable the consent authority take into account all of the following:

- (a) the relevant requirements, including the purpose of the requirements as set out in Parts 5 or 6;
- (b) any Overlays and associated requirements in Part 3 that apply to the land; and
- (c) the guidance provided by the relevant zone purpose and outcomes in Part 4 relevant to a variation of requirements in Parts 5 or 6.

Zone purpose and outcomes of Clause 4.3 Zone LMR (Low-Medium Density Residential), and Clauses 5.2.1 (General Height Control) 5.2.4 (Car Parking), 5.2.6 (Landscaping), 5.4.1 (Residential Density Limitations), 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures), 5.4.6 (Private Open Space) 5.4.8 (Building Design for Dwelling-Group, Dwelling-Multiple, Rooming Accommodation and Residential Care Facility), and 5.4.17 (Building Articulation), need to be considered.

These clauses have been considered and the proposal is found to comply with all relevant clauses of the NT Planning Scheme 2020.

2. Pursuant to Clause 1.10 (Exercise of Discretion by the Consent Authority), subclause 5 of the NT Planning Scheme 2020, the consent authority may consent to a proposed development which is not in accordance with a requirement set out in Parts 3, 5 or 6 only if it is satisfied that the variation is appropriate having regard to:
 - (a) The purpose and administration clauses of the requirement; and
 - (b) The considerations listed under Clause 1.10(3) or 1.10(4).

The proposal has been found to comply with all relevant clauses of the NT Planning Scheme 2020 and therefore subclause 5 is considered not relevant.

3. Pursuant to section 51(1)(j) of the *Planning Act 1999*, the consent authority must take into consideration the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.

The site was created as part of the original subdivision of Parent Parcel Lot 4635 in 2006, and as part of the Fairway Waters development for defence housing and golf

course area. At the time of the original subdivision it is understood that zoning equivalent to the current Zone LMR (Low-Medium Density Residential) was applied to the site and therefore uses consistent with Zone LMR have been intended for the site ever since. The site is flat and has no constraints affecting the capability of the land in supporting the development, or that would affect surrounding land as a result of the development.

4. Pursuant to section 51(1)(n) of the *Planning Act 1999*, 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

Whilst the development will change the appearance of the land which is currently vacant, the scale and density of that proposed is consistent with what is reasonably expected in Zone LMR. The articulation, design and building materials will mitigate the perception of building mass and bulking and ensure the development remains consistent and compatible with the existing character of the area. Landscaping and boundary fencing will provide suitable buffers between adjoining and nearby properties.

5. During the hearing, Mr Winter discussed their objection to conditions precedent proposed by Council for 'pedestrian/cycle corridors, crossings and access points'; and 'street scaping and landscaping (including irrigation)' as these are beyond the development boundary and have no relevance to the development. Mr Winter went on to request that remaining conditions precedent for stormwater, crossover and waste details not be included in the development permit because the application has already provided these details with ample time for approval by Council. The DCA Chair noted that conditions proposed by Council beyond the development boundary could not be required by the DCA and had not been proposed in the recommendations. The DCA determined that the proposed conditions precedent for stormwater, crossover and waste details as drafted within the recommendation must remain as Council approval is required for these aspects of the development.

FOR: 5

AGAINST: 0

ABSTAIN: 0

ACTION: Development Permit and Notice of Consent

**ITEM 2
PA2023/0206**

**CHILD CARE CENTRE IN A 2 STOREY BUILDING
LOT 11202 (1) LIND ROAD, JOHNSTON, TOWN OF PALMERSTON**

Applicant

The Retail Group Pty Ltd

Applicant - Jade Liebel (The Retail Group Pty Ltd), and Karthik Kuchipudi and Manoj Malla (Johnston Developments Pty Ltd) attended via teams

**RESOLVED
12/23**

That, pursuant to section 46(4)(b) of the *Planning Act 1999*, the Development Consent Authority defer consideration of the application to develop Lot 11202 (1) Lind Road, Johnston, Town of Palmerston for the purpose of a child care centre in a 2 storey building, 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:

- Submission of amended plans, including a dedicated mini-bus parking bay, plus a dedicated loading bay for the child care centre, with swept paths shown for each.
- Further resolution of matters raised by the City of Palmerston including:

- proposed changes within the road reserve;
- driveway access, including clarification whether space #22 is impacting on sightlines for the driveway access; and
- waste servicing.
- Clarification of the total number of staff for the child care centre, including educators plus administration and other support staff.
- Clarification of the total number of spaces required for the site overall, and information in support of any parking reduction being requested under Clause 5.2.4.1 (Car Parking Spaces) of the Planning Scheme 2020.
- Clarification of whether the amended plans creates a variation to Clause 5.2.7 (Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR) of the Planning Scheme 2020, and further information to support any variation being requested.

REASONS FOR THE DECISION

1. Pursuant to section 46(4)(b) of the *Planning Act 1999*, if the consent authority considers additional information is necessary to enable it to consider the application properly, it may require the applicant to provide the information.

During the hearing, Mr Liebel presented plans to the authority with an additional loading bay for the child care centre, and deletion of car parking space #22. Mr Liebel also suggested the child care centre may employ more than 15 staff. These changes impact on the assessment of car parking for the site, and further information is required to support any calculated parking shortfall, for consideration by the consent authority.

2. Clause 5.5.7 (Child Care Centre) requires that a child care centre, must (2) *Provide associated vehicle access, parking and manoeuvring*. While the NTPS 2020 does not specify the provision for a dedicated pick-up/drop-off area or loading bay for a child care centre, the Authority notes that the proposed child care centre will accommodate up to 93 children, a significant proportion of which will be preschool aged children, and requiring food and other deliveries. Mr Liebel noted that a mini-bus parking space could be incorporated within a standard car park at the front of the building, and that a loading bay could be accommodated at the northern part of the car park. The submission of amended plans will allow for consideration of these components.
3. Pursuant to section 51(1)(m), the consent authority must, in considering a development application, take into account the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose. In its submission and at the hearing of the application, the City of Palmerston raised concerns with the removal of street car parking, the driveway access, and waste facilities for the development. The DCA requires further resolution of these matters as they relate to Council infrastructure.

FOR: 5

AGAINST: 0

ABSTAIN: 0

ACTION: Notice of Deferral

**ITEM 3
PA2022/0482**

**VARIATION TO CONDITIONS 1 AND 6 OF DP23/0166 FOR THE PURPOSE
OF CHANGES TO THE FLOOR LAYOUT, REDUCTION IN THE TOTAL**

**NUMBER OF ROOMS AND OCCUPANTS TO 19, AND DELETION OF
CONDITION 7 TO ALLOW THE ONGOING USE WITH NO TIME LIMIT
LOT 2710 (3) MANSFIELD STREET, PALMERSTON CITY, TOWN OF
PALMERSTON**

Applicant One Planning Consult

Applicant - Israel-Tshepo Kgosiemang (One Planning Consult), Sarah Thurgood (Venture Housing), and Mr Simon Moore attended.

**RESOLVED
13/23**

That, pursuant to section 57(3)(a) of the *Planning Act 1999*, the Development Consent Authority consent to the application to vary DP23/0166 such that the approved use is for rooming accommodation (for persons with proof of employment in a key worker industry), and vary conditions 1, 6 & 7 for the purpose of changes to the floor layout, reduction in the total number of accommodation rooms and occupants to 19, and deletion of Condition 7 to allow the ongoing use with no time limit, subject to below conditions.

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
2. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage and electricity facilities to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time. Please refer to notations 1 and 2 for further information.
3. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
4. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created.
5. The use must be operated in accordance with the Management Plan endorsed as forming part of this permit.
6. The premises must not be used for the accommodation of more than 19 persons at any one time.
7. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building.

NOTES

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (powerdevelopment@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 development and use hereby permitted must be in accordance with Northern Territory legislation including (but not limited to) the Building Act 1993, the Public and Environmental Health Act 2011 and the Food Act 2004.
3. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act 2005 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 8936 4070 to determine if the proposed works are subject to the Act.

REASONS FOR THE RECOMMENDATION

Pursuant to section 57(3)(a) of the *Planning Act 1999*, the consent authority must only vary the condition of an existing permit if the variation will not alter a measurable aspect of the development by a margin greater than 5% and, in the opinion of the consent authority, will not materially affect the amenity of adjoining or nearby land or premises.

The proposal for changes to DP23/0166 does not alter a measurable aspect of the development by a margin greater than 5% with proposed changes altering the measurable aspects of car parking and communal open space by 1.2% and 4.2% respectively. The proposal will not materially affect the amenity of adjoining land or premises as proposed changes are internal to an existing building.

During the meeting Ms Thurgood agreed that the approved purpose of the permit can reflect the specific nature of the rooming accommodation, as detailed in the Management Plan endorsed as forming part of the original permit. The management plan details that the rooming accommodation is for persons with proof of employment in a key worker industry. The DCA determined that the removal of the time limit was suitable noting the specific nature of the rooming accommodation is detailed in the permit description.

FOR: 5

AGAINST: 0

ABSTAIN: 0

ACTION: Variation Permit

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

SUZANNE PHILIP

Chair

21 September 2023