



## DEVELOPMENT CONSENT AUTHORITY

### PALMERSTON DIVISION

### MINUTES

**MEETING No 150 – WEDNESDAY 17 APRIL 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:** Sarah Mattson (A/Secretary), George Maly and Sarah Gooding (Development Assessment Services)

**COUNCIL REPRESENTATIVE:**

**Meeting opened at 9.30 am and closed at 11.45 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**                      **4 X 3 BEDROOM MULTIPLE DWELLINGS IN 2 SINGLE STOREY BUILDINGS**  
**PA2013/0145**                **LOT 11538 (1) KYPREOS COURT, TOWN OF PALMERSTON**  
**APPLICANT**                **ONE PLANNING CONSULT**

Ms Wendy Smith, and Jeet Dahal from Darwin City Council attended on behalf of the applicant.

**RESOLVED**  
**35/13**

That, the Development Consent Authority vary the requirements of Clause 7.5 (Private Open Space) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application to develop Lot 11538 (1) Kypreos Court, Town of Palmerston for the purpose of 4 x 3 bedroom multiple dwellings in 2 single storey buildings, subject to the following conditions:

#### **CONDITION PRECEDENT**

1. 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 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 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.
2. Prior to the commencement of works (including site preparation works), 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:
  - provision of a waste bin enclosure and access driveways, meeting the requirements of City of Palmerston; and

#### **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 and approval to carry out works shall be obtained prior to the commencement of construction, 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. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of City of Palmerston, to the satisfaction of the consent authority.
8. 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.

9. 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;
10. Car spaces and driveways must be kept available for these purposes at all times.
11. Before the use/occupation of the development starts, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
13. No fence, hedge, tree or other obstruction exceeding a height of 0.6 m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
14. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

15. 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](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto: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. 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.

## 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 area.

A variation to Clause 7.5 (Private Open Space) of the Scheme to allow Units 2, 3 and 4 to have minimum private open space dimensions of 4m x 6m, rather than 5m x 5m as required by the Scheme, is granted as the private open space:

- of Units 1 through to 4 is in excess of 45m<sup>2</sup>;
- abuts land in Zone PS (Public Open Space) which provides for children's play activities; and
- is directly accessible from the lounge room of each dwelling. Access to private open space is also provided from the laundry of

each dwelling and through an entrance gate at the front of each of the dwellings.

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.

The site has an area of 1200m<sup>2</sup>, is irregular in shape and has street frontage to Haydon Street and Kypreos Court. Access is proposed to be off Kypreos Court. The site has been cleared and is undeveloped.

Provided that stormwater is appropriately managed on site without impacting on surrounding residential areas and disposed of into Councils stormwater drainage system within Haydon Street and Kypreos Court, the land is considered capable of supporting the development as proposed.

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

**ITEM 2**  
**PA2013/0172**

**20 X 2 BEDROOM MULTIPLE DWELLINGS IN 20 SINGLES STOREY BUILDINGS**  
**LOT 10974 FARRAR BOULEVARD (PROPOSED LOT 11122 JOHNSTON), TOWN OF PALMERSTON**  
**DLP DEVELOPMENTS**

**APPLICANT**

Mr Darren Lyons, Mr Jeet Dohal and Israel Kgosiemang attended on behalf of the applicant

**RESOLVED**  
**36/13**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 10974 (proposed Lot 11122), Town of Palmerston for the purpose of 20 x 2 bedroom multiple dwellings in 20 single storey buildings 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:

- develop a proposal that is more site responsive in design to the shape and layout of the site and takes into account City of Palmerston's requirements for waste bin storage, site access and fencing.

**ACTION:** Deferral letter to Applicant.

**ITEM 3**  
**PA2008/0237**  
**APPLICANT**

**EXTENSION OF TIME**  
**LOT 7875 (3) BOWREY CRESCENT, TOWN OF PALMERSTON**  
**GEORGE MILATOS**

Mr Christopher Cheung attended

**RESOLVED**  
**37/13**

That the Development Consent Authority approve an extension of time to Development Permit DP08/0338C to expire 25<sup>th</sup> September 2014, in accordance with Section 59 of the *Planning Act*.

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

**ITEM 4**  
**PA2013/0090**  
**APPLICANT**

**32.7M HIGH TELECOMMUNICATIONS FACILITY WITH ASSOCIATED**  
**ANTENNAS AND EQUIPMENT SHELTERS**  
**LOT 4737 (32) BALDWIN DRIVE, TOWN OF PALMERSTON**  
**TELSTRA CORPORATION LIMITED**

Mr Mark Baade attended on behalf of the applicant.

Submitters in attendance:-, Mr Dale Egan, Ms Mary Peterson, Mr Artemis Prodromou, Ms Ros Tait, Ms Glenda Campbell, Ms Wendy Smith, Ms Miranda Abe, Mr Bradley Dehne, Mr Nathan Davis on behalf of Kerri-Ann Parsons, Ms Fiona Lynch on behalf of Terry Mills.

Submitters:- Mr Phil Mitchell, Kerri-Ann Parsons, Ms Diana Lekias, sent their apologies.

**RESOLVED**  
**38/13**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 4737 (32) Baldwin Drive, Town of Palmerston for the purpose of 32.7m high telecommunications facility with associated antennas and equipment shelters 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:

- (a) Additional documentation:
  - i. Demonstrating, as required by Clause 13.5.5(b) of the Northern Territory Planning Scheme (the Planning Scheme) that a detailed feasibility assessment of at least three sites for the establishment of the facility has been undertaken; and
  - ii. explaining the rationale for choosing the subject site over the others that were considered;

OR

- (b) Additional documentation clarifying the reasoning supporting their apparent conclusion that the response provided in the application in relation to Clause 13.5.5(b) of the Planning Scheme in conjunction with Mark Baade's verbal representations relating to other sites considered, satisfactorily addresses Clause 13.5.5(b).

AND

- (c) Additional documentation clarifying the applicant's reasons for their apparent conclusion that the Development Consent Authority may not reasonably require additional consultation in relation to the subject application, despite the stated requirement for such consultation under Clause 13.5.5(c) of the Planning Scheme.

### **REASONS FOR THE DECISION**

The Development Consent Authority (the consent authority), noting:

1. that the application was publicly exhibited in accordance with Part 5, Division 2 of the Planning Act and the Planning Regulations, providing the public with an opportunity to make submissions and representations in relation to the proposal;
2. that thirty nine written public submissions were received in relation to the application during the public exhibition period and that the submissions included objections to the proposal and a range of concerns, including the adequacy of the public consultation process;
3. that the local authority (City of Palmerston) was notified of the application in accordance with Section 48 of the *Planning Act*;
4. that the application has been referred to relevant service authorities and no requirements or objections have been identified by those agencies that would militate against approval of the application subject to appropriate development conditions;
5. a written response provided by the applicant to issues raised in public submissions;
6. verbal submissions at the public hearing of the application on 17 April 2013;
7. Mr Baade's verbal representations at the public hearing of the application on 17 April 2013 (on behalf of the applicant), including responses to issues raised by submitters and in the report to the consent authority;

8. that subclause 5(b) and 5(c) of Clause 13.5 (Telecommunication Facilities) of the Northern Territory Planning Scheme require a development application to demonstrate:
    - “that a detailed feasibility assessment of at least three sites for the establishment of the facility has been undertaken and the rationale for the preferred site”; and
    - “that a community consultation plan consistent with the relevant parts of section 6.2 to 6.7 of the Communications Alliance Industry Code for Mobile Phone Base Station Deployment (C564:2011) has been prepared, implemented and complied with for the site”;
  9. that the requirement for consultation under Clause 13.5.5(c) anticipates such consultation being effected prior to lodgement of an application;
  10. that the applicant, through the application and subsequent written and verbal submissions by Mr Baade, has provided some clarification in relation to the feasibility assessment and rationale for choosing the ‘preferred site’, but is not considered to have demonstrated a detailed feasibility assessment of at least three sites, as required by Clause 13.5.5(b) of the Planning Scheme;
  11. that the applicant appears to conclude that the consent authority may not reasonably require additional consultation as required by Clause 13.5.5(c) of the Northern Territory Planning Scheme, despite the stated requirement for such consultation under Clause 13.5.5(c);
  12. Mr Baade’s observation at the hearing of the application on 17 April 2013 that the application of Clause 13.5.5(c) of the Planning Scheme may be discriminatory and would place considerable additional burden on applicants for telecommunications facilities;
  13. that the use of parts of Communications Alliance Industry Code for Mobile Phone Base Station Deployment (C564:2011) for the purpose of guiding a consultation process significantly exceeds the consultation requirements for other development applications under section 46 of the Planning Act as set out under Part 5, Division 2 of the Act; and
  14. that it considered the application to have merit;
- decided that it was appropriate to defer the application to provide the applicant with an opportunity to consult the Department of Lands, Planning and the Environment in relation to interpretation of Clause 13.5.5(b) and Clause 13.5.5(c) of the Planning Scheme, and to demonstrate either:
- (a) how the requirements of Clause 13.5.5(b) and Clause 13.5.5(c) of the Planning Scheme have been satisfied; or
  - (b) why they consider that it is not incumbent on the applicant to



with a view to determining what, if any, additional consultation is necessary in relation to the application.

**ACTION:** Notify applicant & submitters of deferral

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



**PETER MCQUEEN**  
Chairman

26/4/13