



DEVELOPMENT CONSENT AUTHORITY

PALMERSTON DIVISION

MINUTES

MEETING No. 228 – WEDNESDAY 19 FEBRUARY 2020

**BOULEVARD ROOM
QUEST PALMERSTON
18 THE BOULEVARD
PALMERSTON**

MEMBERS PRESENT: Suzanne Philip (Chair), Steve Ward, Trevor Dalton, Sarah Henderson and Ben Giesecke

APOLOGIES: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), Ann-Marie Reynolds, Sally Graetz and Lachlan Linkson (Development Assessment Services)

COUNCIL REPRESENTATIVE: Alex Douglas

Meeting opened at 10.30 am and closed at 11.35 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

**PA2019/0456 VERANDAH ADDITION TO EXISTING SINGLE DWELLING WITH REDUCED FRONT SETBACK
LOT 10474 (1) BRUNEI STREET, JOHNSTON, TOWN OF PALMERSTON
APPLICANT/S AB Consulting (NT) Pty Ltd**

Ms Annette Joseland (AB Consulting (NT)) and Ms Natalie Johnson (Contractor) attended.

**RESOLVED
06/20**

That, the Development Consent Authority vary the requirements of Clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) of the NT Planning Scheme, and pursuant to section 53(a) of the *Planning Act 1999*, consent to the application to develop Lot 10474 (1) Brunei Street, Town of Palmerston for the purpose of a verandah addition to existing single dwelling with reduced front setback, 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 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 or an alternate approved connection.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings numbered 2019/0456/01 and 2019/0456/02 endorsed as forming part of this permit.
3. The owner shall:
 - a) collect stormwater and discharge it to the drainage network; and
 - b) undertake reinstatement works;
to the technical requirements of and at no cost to the City of Palmerston, to the satisfaction of the consent authority.

NOTE:

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

REASONS FOR THE DECISION

1. Pursuant to section 51(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 application is for a verandah addition to a single dwelling at Lot 10474 (1) Brunei Street, Town of Palmerston. Lot 10474 is within Zone SD (Single Dwelling) of the NT Planning Scheme.

Planning permission is required as the verandah does not comply with the minimum building setbacks specified by Clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) of the NT Planning Scheme.

A variation to the requirements of Clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) to allow the verandah addition to be located 2.9m from the Brunei Street frontage instead of 4.5m is considered appropriate as:

- Inclusion of the verandah improves the dwelling's presentation to Brunei Street and better identifies the main pedestrian entrance to the dwelling. This is considered beneficial from a community safety and crime prevention through environmental design perspective
- the verandah creates a point of difference to other dwellings in the street without adding significant bulk, massing or preventing breeze movement;
- the topography of this part of Johnston has resulted in dwellings on Melbourne Street being higher-set than the dwelling on the subject site and its neighbours on Brunei Street. This topographical difference results in development on Melbourne Street appearing much closer to the street frontage. Noting this development pattern, the proposed reduced setback at the subject site is expected to appear less imposing than if developed elsewhere and is therefore considered compatible with the Melbourne and Brunei Streets streetscape and surrounding development; and
- the structure is similar to other entry-way structures commonly used elsewhere in the region with similar front setbacks. The size of the entry-way structure is quite different to the typical size, style and usage of a 'verandah' which is considered to further justify consent.

2. Pursuant to section 51(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

Due to the scale and nature of the structure it is unlikely to have any significant impact on current or future amenity of the area. The structure, although non-compliant, will improve the dwelling's presentation to the street which has benefits in terms of the streetscape and community safety. Additionally, the proposal was publicly exhibited in accordance with the *NT Planning Act 1999* with no submissions received.

3. Pursuant to section 51(m) of the *Planning Act 1999*, the consent authority must take into consideration the public utilities or infrastructure provided in the area in which the land is situated, the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose

The proposal was circulated to relevant service authorities, including the local Council, seeking advice regarding implications of the development on infrastructure within the area, or any requirements for additional infrastructure to be provided.

Service authorities advised generally of the need for any development to comply with standard requirements for a development of this nature, with the conditions of approval included in recognition of this advice.

ACTION: Notice of Consent and Development Permit

ITEM 2

PA2019/0428

3 X 1 BEDROOM AND 5 X 2 BEDROOM MULTIPLE DWELLINGS IN 8 SINGLE STOREY BUILDINGS

LOT 8877 (2) BELYUEN ROAD, ROSEBERY, TOWN OF PALMERSTON

APPLICANT/S

Department of Infrastructure, Planning and Logistics

Mr Rik Jones and Mr Russell Taylor (DIPL) and Ms Cat Tatum (Department of Local Government, Housing and Community Development) attended.

Submitters:- City of Palmerston (represented by Alex Douglas), Mr Jeff Oster and Mr Jon Schatz attended.

**RESOLVED
07/20**

That, pursuant to section 53(a) of the *Planning Act 1999*, the Development Consent Authority consent to the application to develop Lot 8877 (2) Belyuen Road, Town of Palmerston for the purpose of 3 x 1 bedroom and 5 x 2 bedroom multiple dwellings in 8 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 must be generally in accordance with the plans submitted with the application but modified to show:
 - a. landscaping along the Belyuen Road and Forrest Parade frontages (where chain mesh fencing is proposed) or screen fencing that satisfies the screening requirements of Clause 7.5 (Private Open Space) of the NT Planning Scheme.
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 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 or an alternate approved connection.

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. 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 the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. The owner shall:
 - a) Provide kerb crossovers and driveways;
 - b) remove disused vehicle and/ or pedestrian crossovers;
 - c) provide footpaths/ cycleways, crossings and access points;
 - d) collect stormwater and discharge it to the drainage network;
 - e) provide streetscaping and landscaping (including irrigation);
 - f) provide street lighting (including LED and smart cities technology); and
 - g) 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.
6. 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 landdevelopmentnorth@powerwater.com.au and powerconnections@powerwater.com.au.
7. 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.
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. 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.
11. 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 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 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.
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/new-developments/builders-designers.html>

REASONS FOR THE DECISION

1. Pursuant to section 51(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 application is for development of 3 x 1 bedroom and 5 x 2 bedroom multiple dwellings in 8 single storey buildings at Lot 8877 (2) Belyuen Road, Town of Palmerston.

The Northern Territory Planning Scheme (NTPS) applies to the land, with the site located in Zone MD (Multiple Dwelling). Development consent is required as 'multiple dwellings' are discretionary in Zone MD.

The proposal was previously considered by the consent authority in December 2019 where the proposal was formally deferred to enable submission of amended plans or more information to address identified issues with the proposal's response to requirements relating to private open space (including fencing style and landscaping), building design (including use of reflective surfaces), and stormwater drainage and access arrangements.

In January 2020, amended plans and further information were submitted with amendments including:

- Relocation of the driveway from Belyuen Road to Forrest Parade, as recommended in the Traffic Report
- Amended location of units 1, 2 and 3 to accommodate the altered driveway location. The amended location also addressed the previous non-compliance with Clause 7.3 (Building Setbacks of

Residential Building and Ancillary Structures) such that compliance is now achieved. A very slight amendment to the orientation of unit 7 was also made but without impacting on compliance.

- Changes to fencing style including provision of 'colorbond' screen fencing to the east and north-eastern boundaries (as requested in the deferral) and new 'style-line' panel fencing is proposed for internal fencing and along the northern boundary adjoining Laurie Cubillo Park to better comply with Clause 7.5 (Private Open Space).

The amended proposed was circulated to service authorities and submitters.

The amended proposal was assessed against the applicable clauses of the NTPS that apply to multiple dwelling development. The design now satisfies the basic standards of the NTPS including provision of adequate car parking, building setbacks and minimum private open spaces areas. However, a non-compliance with the screening requirements of Clause 7.5 (Private Open Space) was identified.

The non-compliance with Clause 7.5 relates to the quantity of landscaping provided along the Forrest Parade and Belyuen Road frontages, where private open space areas front these roads. The submitted design includes provision of landscaping that is not considered likely to provide the necessary 'visual screen' of private open space areas of Units 1, 2 and 3 within two years. The site is prominent, being a corner allotment, and noting its location across from a service station and commercial development, the provision of additional and compliant landscaping is considered necessary to ensure residents of these dwellings are afforded adequate privacy. The Authority noted the applicant's suggestion at the hearing that as an alternative, 'style-line' screen fencing could be provided and would be more desirable for ongoing compliance and maintenance. A condition precedent requiring submission of plans demonstrating compliant screening to units 1, 2 and 3 has been included to resolve this issue, either by way of provision of screen fencing as suggested at the meeting or additional landscaping.

In all other respects, the amended proposal is considered to adequately respond to the requirements of the NTPS.

2. Pursuant to section 51(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.

The proposal is for development of appropriately zoned and serviced land. While any change to land may result in amenity impacts, development that is appropriately designed and complies with applicable planning scheme requirements is likely to be more sympathetic to the amenity of surrounding property and more in line with community expectations for what is considered acceptable. In the case of this application, the amended design now complies with the basic requirements of the NT Planning Scheme (NTPS) which indicates that unreasonable amenity impacts are unlikely. Further amendments to screening (either through fencing or landscaping) will ensure that residents are afforded an adequate level of privacy given

the site's dual frontage and location near a service station and commercial development.

3. Pursuant to section 51(e) of the *Planning Act 1999*, the consent authority must take into consideration any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application.

Three public submissions were received in relation to the proposal raising concerns regarding the appropriateness of the proposed use (public housing), its impact on property values and antisocial behaviour, and aspects of the design including fencing style, roofing colour and stormwater drainage.

The land is within Zone MD (Multiple Dwellings) of the NT Planning Scheme with the primary purpose of this zone to provide for a range of housing options to a maximum of two storeys. The proposal is for eight single storey multiple dwellings which is consistent with the purpose of the zone. While acknowledged, concerns regarding the intended use, for public housing, and the resultant impact on property values and anti-social behaviour are not considered to be relevant considerations under section 51 of the *Planning Act 1999*. Relevant amenity impacts are addressed above. In relation to design considerations required under the NT Planning Scheme, the proposal has been amended to address, in the most part, privacy, screening and reflectivity concerns identified by submitters. Further amendments to screening, specifically along the Belyuen Road and Forrest Parade frontage, will further ensure that appropriate privacy and screening is provided and that the development complies in full with the NT Planning Scheme.

In relation to stormwater drainage, the City of Palmerston (as relevant local authority) advised that its previous concerns have been addressed but requests a condition requiring submission of a detailed stormwater drainage design plan, which should reasonably address any remaining concerns regarding stormwater arrangements raised by submitters. At the meeting, it was acknowledged that while stormwater currently flows from some adjoining properties onto the subject site, it was the responsibility of each land owner to manage stormwater arrangements within their own property with no legal requirement for the owners of Lot 8877 to accept stormwater flows.

The status of an existing gate from 34 Yirra Crescent onto the subject site and/or adjacent park was raised by Mr Oster (submitter) at the meeting. The applicant confirmed that there were no existing easements or rights of access over Lot 8877 and this gate, if adjoining the subject site would be removed to make way for new fencing to the private yard/s space for dwellings.

Mr Schatz (submitter) indicated that while he had previously advised that 'shale grey' was an acceptable roofing colour, he had since reconsidered upon realising that it is lighter than expected and instead suggested 'bushland' as an alternative. The applicant advised that this colour could be considered but that the eventual colour choice was restricted by applicable energy efficiency standards. The submitter and applicant agreed to discuss colour choice further outside of the meeting and the consent authority was satisfied that this matter would therefore be resolved separately.

4. Pursuant to section 51(m) of the *Planning Act 1999*, the consent authority must take into consideration 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.

The proposal was referred to relevant service authorities, including the local Council. Advice received indicates that the proposed design will not impact on public utilities or infrastructure in the area. Standard conditions of development approval are recommended to ensure that the interests of service authorities and the local Council are protected.

ACTION: Notice of Consent and Development Permit

ITEM 3

PA2019/0440

**UNIT TITLE SCHEMES SUBDIVISION TO CREATE SIX UNITS AND COMMON PROPERTY
LOT 12087, ZUCCOLI, TOWN OF PALMERSTON**

APPLICANT/S

Element

Mr Clement Williams (Territory Life on behalf of the applicant) and Mr Pablo Elizondo (Senior Engineer - Jacobs) attended.

**RESOLVED
08/20**

That, pursuant to section 46(4)(b) of the *Planning Act 1999*, the Development Consent Authority defer consideration of the application to develop Lot 13726 Town of Palmerston for the purpose of a unit title schemes subdivision to create 6 units and common property, to require the applicant to provide the following additional information that the authority considers necessary in order to enable proper consideration of the application:

- Further information as to the ability to register the unit title scheme as proposed, together with the ability to amend unit entitlements as land is progressively developed.

REASON FOR THE DECISION

Pursuant to section 51(t) of the *Planning Act 1999* the consent authority must, in considering a development application, take into account any other matters it thinks fit.

The consent authority considers that further information is required to confirm that the proposed unit title scheme is capable of being registered while the land remains vacant and that the unit entitlements can be amended as the land is progressively developed. The consent authority expressed concern for how unit entitlements would be fairly distributed across units given that the eventual development is still unknown.

ACTION: Notice of Deferral

ITEM 4
PA2019/0227

**CONCURRENT APPLICATION - REZONE FROM FD (FUTURE DEVELOPMENT) AND ZONE PM (PROPOSED MAIN ROAD) TO ZONE U (UTILITIES), ZONE PM (PROPOSED MAIN ROAD), ZONE FD (FUTURE DEVELOPMENT), ZONE CN (CONSERVATION) AND ZONE PS (PUBLIC OPEN SPACE) AND;
SUBDIVISION TO CREATE ONE LOT
LOT 4252 (9) CHANNEL ISLAND ROAD, MITCHELL, TOWN OF PALMERSTON
& LOT 4251 (575) ROYSTONEA AVENUE, ZUCCOLI, TOWN OF PALMERSTON**

APPLICANT/S Earl James and Associates

Mr Kevin Dodd (Earl James & Associates) attended.

RESOLVED
09/20

Pursuant to section 30P(1)(a), the consent authority makes a preliminary decision that, if the Minister were to approve the amendment proposal to rezone Lot 4251 (575) Roystonea Avenue and Lot 4252 (9) Channel Island Road, Town of Palmerston that it would be likely to determine to consent to the development under section 30W(1)(a) for the purpose of a subdivision to create one lot subject to the following conditions and notes:

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, drainage, sewerage and electricity facilities to the development/each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
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 or site is to be created on the plan of subdivision submitted for approval by the Surveyor General.

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.

Note that the preliminary decision does not result in a development permit at this stage in the concurrent application process.

REASONS FOR THE DECISION

1. Pursuant to sections 30P(2)(a) and (b) of the *Planning Act 1999*, 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 proposed subdivision has been assessed against the relevant clauses of the Northern Territory Planning Scheme and complies. The proposal will facilitate the transfer of ownership of the Sewer Pump Station to Power and Water Corporation.

The Darwin Regional Land Use Plan 2015 (DRLUP), a policy documents included in Schedule 2, identifies an overarching framework for future development within the greater Darwin area. The proposal is consistent with key objectives of the DRLUP in facilitating opportunities for the urban development of land and the efficient provision and utilisation of infrastructure.

The Palmerston Eastern Suburb Area Plan outlines the future land use structure and planning principles for the area. The subject lot is identified for urban residential use as part of the suburb of Zuccoli. The proposal will provide an essential service for the area and is therefore considered to accord with the Area Plan.

Clause 11.1.1 – Minimum Lot Size and Requirements

The amendment will rezone the proposed new lot, which will be 3120m² in area, to Zone U (Utilities). There is no minimum lot size in Zone U. The minor realignments of the surrounding Zones PS, CN, FD and PM will not create any new non-compliances with the requirements of this clause.

Clause 13.3 - Utilities

The subject land comprises an existing Sewer Pump Station. The proposal accords with the primary purpose of this clause, which is to ensure the use or development of land in Zone U does not prejudice the future development of the utility.

2. Pursuant to Section 30P(2)(l) of the *Planning Act 1999*, the consent authority must take into consideration the capability of the public utilities or infrastructure provided in the area in which the land is situated and any requirement for public facilities and services to be connected to the land; and facilities, infrastructure or land to be provided by the applicant.

The application was circulated to the City of Palmerston, Power and Water Corporation, Department of Environment and Natural Resources, and the Transport and Civil Services Division for comment. No objections were raised by service authorities and issues raised can be addressed in the condition of the subdivision permit.

**RESOLVED
10/20**

That under section 30Q of the *Planning Act 1999*, the consent authority report to the Minister for Infrastructure, Planning and Logistics advising of the likely decision in relation to the subdivision proposal, issues raised in the subdivision, issues raised at the hearing and any other matters it considers the Minister should take into account when considering the amendment proposal.

**RESOLVED
11/20**

That, pursuant to section 86(1) of the *Planning Act 1999*, the Development Consent Authority delegates its powers to the Chairman or in the absence of the Chairman any member of the Palmerston Division of the Authority to:

- determine pursuant to Section 30W(1)(a) to consent to the development proposal contained in the concurrent application and consent to the concurrent application after receipt of a notice under Section 30U(1) that the Minister has approved the amendment proposal contained in the application;
- issue a development permit under section 54(1) in relation to the development proposal to develop Lot 4251 (575) Roystonea Avenue and Lot 4252 (9) Channel Island Road, Town of Palmerston for the purpose of subdivision to create one lot; and
- issue the relevant notices under Section 30Y of the *Planning Act 1999*.

Note that the determination of the development proposal will also give effect to the amendment proposal contained in the concurrent application.

ACTION: Report to the Minister

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

**SUZANNE PHILIP
Chair**

21 February 2020