



## **DEVELOPMENT CONSENT AUTHORITY**

### **PALMERSTON DIVISION**

### **MINUTES**

**MEETING No. 231 – WEDNESDAY 20 MAY 2020**

### **TELECONFERENCE**

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

**APOLOGIES:** Trevor Dalton

**OFFICERS PRESENT:** Margaret Macintyre (Secretary), Ann-Marie Reynolds and Rebecca de Vries (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Nil

**Meeting opened at 10.00 am and closed at 10.30am**

**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**

**PA2020/0105 CHILDCARE CENTRE AND MEDICAL CLINIC IN SINGLE STOREY BUILDING LOT 13839, DURACK, TOWN OF PALMERSTON**

**APPLICANT/S** Northern Planning Consultants Pty Ltd

Pursuant to section 97 of the *Planning Act 1999*, Mr Trevor Dalton a member of the Palmerston Division of the Development Consent Authority declared an interest and was an apology for the meeting and was not present during and did not take part in any deliberation or decision of Item 1.

Mr Brad Cunnington (Northern Planning Consultants) attended.

Submitter Mr Anthony Smith attended.

**RESOLVED  
36/20**

That, pursuant to section 53(a) of the *Planning Act 1999*, the Development Consent Authority consent to the application to develop Lot 13839, Town of Palmerston for the purpose of a child care centre and medical clinic in single storey building, 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 include the end of trip facilities within the development.
2. 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

**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. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, 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.

6. 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; and
  - d. undertake reinstatement works;  
all to the technical requirements of and at no cost to the City of Palmerston, to the satisfaction of the consent authority.
7. 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.
8. Storage for waste disposal bins is to be provided to the requirements of the City of Palmerston, to the satisfaction of the consent authority.
9. Before the use/occupation of the development starts, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
10. The landscaping 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.
11. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street to the requirements of the City of Palmerston, to the satisfaction of the consent authority.
12. 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.
13. 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 advise that:
  - Full lot fire coverage cannot be achieved from existing hydrants. Internal firefighting arrangements must be made to the satisfaction of NT Fire and Rescue Service; and
  - 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
2. 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->

nbm/new-developments.html once registered nbm will be in contact to discuss the specific requirements for the development. Nbm requires you to apply at least 3 months before any civil works commence. All telecommunications infrastructure should be built to nbm guidelines found at <http://www.nbmco.com.au/develop-or-plan-with-the-nbm/new-developments/builders-designers.html>.

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](mailto:info@ntbuild.com.au)) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
4. This development permit does not grant building approval for the proposed structure. You are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals for the building works.
5. The proponent is required to provide Quality Education and Care NT with a copy of the approval and endorsed plans for assessment under the Education and Care Services National Law (NT) and Education and Care Services National Regulations prior to construction commencing.

#### **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 proposal to construct a child care centre and medical clinics is consistent with the scheme provisions and purpose of Zone SP8 (Specific Use).

2. A reduction in parking required by Clause 6.5.1 (Parking Requirements) of the scheme through the provision of Clause 6.5.2 (Reduction in Parking Requirements) from 21 parking spaces to 20 parking spaces is supported as:
  - The proposed car parking shortfall is minimal (0.2 rounded up to 1 car parking space) and is not expected to detrimentally impact the use or development of the proposed child care centre and medical clinic;
  - Staffing requirements for child care centres and medical centres of this scale may include part time employees and shared administration staff; and
  - It is anticipated that the combination of walking and cycling paths as well as the provision of an existing bus route along Packard Avenue shall assist in alleviating the demand for car parking.
  - A conditions precedent is included on the development permit to require the addition of end of trip facilities, which will encourage alternative modes of transport, thereby reducing demand on car parking spaces.

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.

One public submission was received during the exhibition period under Section 49 of the *Planning Act 1999* with respect to the proposal. The submission raised concerns regarding the car parking shortfall and the viability of the proposal given there is an existing child care centre, Journey Early Learning, adjacent to the proposal. It is considered that the applicant's response to the matters raised by the submission adequately address the concerns raised. The car parking shortfall is unlikely to be such that would negatively impact the surrounding land uses. The economic viability of the proposal has not been considered as part of this assessment, as it is not prescribed as a relevant matter under the *Planning Act 1999* or Northern Territory Planning Scheme.

The submitter Mr Anthony Smith took part in the teleconference meeting and addressed the authority with his concerns in relation to the proposed development. The primary concern being the viability and economic impact of the proposed child care centre which is located on the lot adjacent to the existing child care centre that Mr Smith operates. The secondary issue being the impact that the proposal will have on the adjoining sites car parking availability.

In response to these comments, the applicant argued that issues of economic viability and competition between businesses were not matters that were considered relevant under either the *Planning Act 1999* or Northern Territory Planning Scheme. The applicant also stated that the car parking variation proposed was only for 0.2 of a car parking space, in effect a 1% portion of the proposals overall car parking numbers (20 bays provided in total). The authority upheld the applicant's response to the submitter's concerns.

4. Pursuant to section 51(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.

There are no concerns about the capability of the land to accommodate the proposed development. The site allows for the anticipated access, stormwater and servicing requirements for the land.

5. 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 situate.

The development and use of land for the purpose of a child care centre is anticipated in Zone SP8 and the use has been designated within the SP8 scheme provisions for this particular site. The subject land does not directly adjoin existing residential zones or development, and the design and layout of the proposed buildings and the provision of

landscaping and car parking ensure the uses are unlikely to adversely impact the amenity of existing or future development and land uses surrounding the site.

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

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

**SUZANNE PHILIP**

**Chair**

21 May 2020