



DEVELOPMENT CONSENT AUTHORITY

PALMERSTON DIVISION

MINUTES

MEETING No. 237 – WEDNESDAY 21 OCTOBER 2020

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

MEMBERS PRESENT: Suzanne Philip (Chair – Not present for Item 2),
Trevor Dalton (Presiding Member for Item 2),
Steve Ward (Apology, left during hearing of Item 2),
Sarah Henderson and Ben Giesecke

APOLOGIES: Nil

LEAVE OF ABSENCE: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), Rebecca de Vries and Elissa Gee
(Development Assessment Services)

COUNCIL REPRESENTATIVES: Nadine Nilon, Damien Scalora, Joe Sheridan and Alex Deutrom

Meeting opened at 10.30 am and closed at 12.30 pm

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

PA2020/0286 SHED ADDITION TO AN EXISTING SINGLE DWELLING WITH REDUCED SIDE AND REAR SETBACKS

APPLICANT LOT 3769 (74) EMERY AVENUE, WOODROFFE, TOWN OF PALMERSTON
JMT Builders Pty Ltd

Brad Hagan (JMT Builders Pty Ltd) and Simon Brailsford (landowner) attended.

Mr Brailsford tabled a further submission.

**RESOLVED
79/20**

That, pursuant to section 53(c) of the *Planning Act 1999*, the Development Consent Authority refuse to consent to the application to develop Lot 3769 (74) Emery Avenue, Zuccoli, Town of Palmerston for the purpose of a shed addition to an existing dwelling-single with reduced side and rear setbacks for the following reasons:

REASONS FOR DECISION

1. Pursuant to section 51(1)(a) 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.

The proposed development seeks to construct a shed at a height of 5.314m with a setback of 0.1m from the side and rear boundaries. The shed is proposed to be L-shaped to fit within the rear south-eastern corner of the site. The length of the wall facing the rear boundary will be 11m. The length of the wall facing to the eastern side boundary will be 11m.

The Northern Territory Planning Scheme 2020 (NTPS2020) applies to the land to which the application relates. The proposed development requires consent and is identified as Merit Assessable under Clause 1.8(1)(b)(ii) due to the non-compliance with the requirements of Clause 5.4.3 – Building Setbacks of Residential Buildings and Ancillary Structures.

The proposed development does not comply with the requirements of Clause 5.4.3 – Building Setbacks of Residential Buildings and Ancillary Structures, which provides for a 1.5m setback from side and rear boundaries. An assessment against the purpose of Clause 5.4.3 found that the proposed development did not achieve the purpose of the clause, as the development does not minimise the adverse effects of building massing when viewed from adjoining land.

Consideration was also given to the purpose and outcomes sought for Zone LR (Low Density Residential) and it was found that outcome 4 and 6 were not achieved by the proposed development. This is due to the nature of the development not being sympathetic to

neighbouring properties, being in close proximity to the boundary at a height that is greater than could be reasonably expected in the area.

2. Pursuant to section 51(1)(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.

A submission was also received from the local authority objecting to the proposed development, advising that it considers the proposed development to be contrary to the purpose of Clause 5.4.3 of the NTPS2020. The local authority advised that it is of the opinion that the proposed development is not compatible with surrounding development, and that the proposed development does not minimise the adverse effects of building massing when viewed from adjoining land.

Whilst this submission was received after the submission period had ended, and therefore does not attract appeal rights as a submission received under section 49 of the *Planning Act 1999*, it is considered acceptable to consider the information provided in the submission under section 50 of the *Planning Act 1999*.

3. Pursuant to section 51(1)(h) of the *Planning Act 1999*, the consent authority must take into account the merits of the proposed development as demonstrated in the application.

The proposal involves a shed being constructed at a height of 5.314m with a setback of 0.1m from the side and rear boundaries. The NTPS2020 requires structures in this zone and of this height to be setback from the side and rear boundary by 1.5m.

The proposal is not one which could be reasonably expected to occur in a residential area and is considered an overdevelopment of the site. The development is expected to result in an adverse impact on adjacent properties to the side and rear of the site and there is insufficient merit to justify the proposed development being consented to.

4. Pursuant to section 51(1)(n) of the *Planning Act 1999*, 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 proposed development is considered likely to have an adverse impact on amenity given the building massing which will result from the proposed development. This is expected to contribute to a reduction in visual amenity for adjoining neighbours, and a reduction in amenity through lost breeze penetration.

FOR: 1	AGAINST: 4	ABSTAIN: 0
ACTION:	Notice of Refusal	

ITEM 2

PA2020/0270

**40M HIGH TELECOMMUNICATIONS FACILITY WITH ASSOCIATED ANTENNAS AND EQUIPMENT SHELTER
LOT 5976 (10) TEMPLE TERRACE, PALMERSTON CITY, TOWN OF PALMERSTON**

APPLICANT

Telstra Corporation C/- Visionstream Australia Pty Ltd

Pursuant to section 97 of the *Planning Act 1999*, Suzanne Philip, Chair, Development Consent Authority disclosed an interest and was not present during or took part in the deliberation or decision of Item 2.

That, pursuant to section 101(3) of the *Planning Act 1999*, in the Chair's absence the members of the Palmerston Division of the Development Consent Authority elected Trevor Dalton to preside at the hearing of Item 2 at the DCA meeting on Wednesday 21 October 2020.

Daniel Park (Senior Planner - Visionstream) and Rafael Stark (NT Manager - Telstra Corporation) attended.

**RESOLVED
80/20**

That, pursuant to section 53(c) of the *Planning Act 1999*, the Development Consent Authority refuse to consent to the application to develop Lot 5976 (10) Temple Terrace, Palmerston City, Town of Palmerston for the purpose of 40m high telecommunications facility with associated antennas and equipment shelter, for the following reasons:

REASONS FOR DECISION

1. Pursuant to section 51(1)(a) 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.

The proposed development seeks to construct a 40m high monopole with an overall height of approximately 41.3m with antennas. An equipment shelter is also proposed at the base of the monopole with a height of 2.8m and floor area of 7.5m². The proposal has a footprint of approximately 85m². A 2.1m high security fence is proposed around the proposed development with a 3m wide access gate.

The Northern Territory Planning Scheme 2020 (NTPS2020) applies to the land to which the application relates. The proposed development requires consent and is identified as Impact Assessable subject to Clause 1.8(1)(c), and therefore the following need to be considered:

- Darwin Regional Land Use Plan 2015;
- Palmerston City Centre Planning Principles and Area Plan;
- Zone CB (Central Business) purpose and outcomes; and
- General and specific development requirements for a telecommunications facility.

The development does not comply with the purpose of Clause 5.8.10 – Telecommunications facility, which seeks to ensure that a telecommunications facility does not unreasonably detract from the amenity of a locality. The proposal is considered to result in an adverse impact on amenity in the Palmerston City Centre given the height

proposed for the monopole and the industrial appearance of the structure being visible from other locations across the City Centre.

The proposal is not considered to comply with requirement 4 of Clause 5.8.10 – Telecommunications facility which requires development to be sensitively sited having regard to impacts on amenity. In this instance, the height of the proposal results in the development not being compliant with this requirement, as the siting in conjunction with the height of the proposal results in the development extending its impact on amenity to other locations across the Palmerston City Centre. Co-location of antennas on rooftops within the City Centre is encouraged for telecommunications purposes to prevent an unreasonable impact on amenity.

The proposal does not satisfy outcome 10 of Clause 4.10 - Zone CB (Central Business) which requires developments to be designed and operated in a manner that avoids unreasonable loss of amenity for surrounding premises. The proposal includes a 40m high monopole of industrial appearance which is inconsistent with the character of development sought in Zone CB.

The proposal does not satisfy the intent for development sought through the strategic framework. Specifically, the proposal is not considered to satisfy the Palmerston City Centre Planning Principles and Area Plan which seeks to encourage high density residential living; people friendly urban places and a built environment that contributes to a sense of place and community within the City Centre. The location of the proposal within the Palmerston City Centre could hinder future development of high density residential uses through proximity and impacts on outlook. The proposal does not contribute to people friendly urban spaces, noting the height and industrial appearance, and failing to provide acceptable landscaping to contribute to reducing the visual impact of the development. The development is considered likely to result in adverse impacts on the future growth and development of the Palmerston City Centre as a result of its impact on the amenity of the surrounding area.

2. Pursuant to section 51(1)(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, however this submission did not satisfy the requirements of section 49(5) of the *Planning Act 1999* as it did not include contact details for the submitter. This submission did not object or support the proposal, however did query whether alternative sites had been considered for the proposed development.

A submission was also received from the local authority under section 49(3) objecting to the proposed development primarily basing its objection to the development on adverse amenity impacts to the locality, and the conflict it will generate with existing and future land uses. Grounds for the objection are related back to the requirements of the Northern Territory Planning Scheme 2020. The submission also

indicates that alternative locations should be considered for the proposed development.

3. Pursuant to section 51(1)(h) of the *Planning Act 1999*, the consent authority must take into account the merits of the proposed development as demonstrated in the application.

The proposal supports telecommunications infrastructure to service the Palmerston City Centre and surrounding area. The proposal has sought to locate in an area of low amenity value, however the proposed development is of a height and character that will result in an adverse impact on amenity extending beyond the proposed development site. Although the proposal has merits in that it would support the Telstra telecommunications network, the benefit is not considered to outweigh the cost in terms of impact to amenity of the Palmerston City Centre and possible impact on the future growth and development of the Palmerston City Centre. As a result, there is insufficient merit to justify the proposed development being consented to.

4. Pursuant to section 51(1)(n) of the *Planning Act 1999*, 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 proposal is considered to result in an adverse impact on amenity in the Palmerston City Centre given the height proposed for the monopole and the industrial appearance of the structure being visible from other locations across the City Centre. The development is not in accordance with the character sought for the Palmerston City Centre and has the potential to detrimentally affect future growth and development in the locality as a result of its amenity impacts. Co-location of antennas on rooftops within the City Centre is encouraged for telecommunications purposes to prevent an unreasonable impact on amenity.

FOR: 1 **AGAINST: 2** **ABSTAIN: 0**
ACTION: Notice of Refusal

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



TREVOR DALTON
Delegate

28/10/2020.