

**DEVELOPMENT CONSENT AUTHORITY**

**PALMERSTON DIVISION**

**MINUTES**

**MEETING No 187 – WEDNESDAY 20 APRIL 2016**

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

**MEMBERS PRESENT:** Denis Burke (Chairman), Steve Ward, Robert Flanagan, Paul Bunker and Andrew Byrne

**APOLOGIES:** Nil

**OFFICERS PRESENT:** Margaret Macintyre (Secretary), Deborah Curry, Anthony Brennan and Alex Tobin (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Gerard Rosse

**Meeting opened at 9.45 am 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 TIMES DURING THE MEETING AND INVITEES ARE PRESENT FOR THE EVIDENTIARY STAGE ONLY.**

**ITEM 1**                    **SUBDIVISION TO CREATE 2 LOTS**  
**PA2016/0106**           **LOT 6959 (27) SURCINGLE DRIVE, TOWN OF PALMERSTON**  
**APPLICANT**           **MASTERPLAN NT**

Ms Kerry Ann Tachell and Mr Abiola Bamidele (both from Masterplan NT), Chai Quong Eam and Sivhuong Tang (landowners) attended.

**RESOLVED**            That, pursuant to section 53(c) of the *Planning Act*, the Development Consent  
**31/16**                    Authority refuse to consent to the application to develop Lot 6959 (27) Surcingle Drive, Town of Palmerston, for the purpose of a subdivision to create 2 lots for the following reasons:

#### **REASONS FOR THE DECISION**

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

Whilst the Authority notes and has considered the merits put forward in the application and by the applicant and land owner at the Development Consent Authority meeting on the 18 May 2016, the Authority does not share these views. The Authority considers that there is no merit in increasing the density of a site that is located in close proximity to the proposed Weddell Arterial Road and is subject to biting insects.

2. Pursuant to Section 51(n) of the *Planning Act*, 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.

In accordance with Section 51(a) of the *Planning Act* and in accordance with the requirements of Section 2.6 (Subdivision of land) of the Northern Territory Planning Scheme, land may be subdivided or consolidated only with consent and subject to the relevant provisions of Part 5 of the Scheme.

Lot 6959 (27) Surcingle Drive, Town of Palmerston was created as a result of Development Permit DP98/0248 which was issued in June 1998 for the purpose of 79 lots. Previous to the approval an application to create 81 lots was refused due to severe constraints of the parent parcel including biting insects, unsuitable soils, proximity to the rail and the future alignment of the Weddell Arterial.

Whilst caution notices were place on the titles of each of these lots, the Authority is concerned with increasing the density of the area due to severe impacts on the amenity of existing and future residents. The

Authority in particular notes the Department of Health's comments which state that Marlow Lagoon is an area highly affected by pest biting midges, hence the rural residential nature of the suburb, which includes larger rural lots closer to the mangroves, and smaller rural lots further from the mangroves. The Department of Health as well as the Authority are of the view that the current lot arrangements are considered to be the most appropriate for this area and as such the subdivision is not supported.

Furthermore, the Authority shares the views reflected in the public submission that was received under section 51(e) of the *Planning Act*, which expresses concern that an increase in density will impact on the semirural amenity of the area.

**ACTION:** Notice of Refusal

**ITEM 2**  
**PA2016/0145**  
**APPLICANT**

**BUILDING SETBACK PLAN (ZUCCOLI STAGES 2E-J)**  
**LOT 12087 ZUCCOLI, TOWN OF PALMERSTON**  
**THE PLANNING GROUP WA**

Mr Ben Watson attended on behalf of the applicant.

**RESOLVED**  
**32/16**

That, the Development Consent Authority vary the requirements of Clause 7.3.3 (Reduced Setbacks for Single Dwellings on Lots less than 600m<sup>2</sup> but not less than 300m<sup>2</sup>) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 12087 (Zuccoli) Town of Palmerston for the purpose of a building setback plan (Zuccoli Stages 2E-J), subject to the following conditions:

#### **GENERAL CONDITIONS**

1. Works carried out under this permit shall be in accordance with drawings numbered 2016/0145/01 through to 2016/0145/07, endorsed as forming part of this permit.
2. The owner/developer shall demonstrate to the satisfaction of the consent authority how potential purchasers will be informed about the side setback plan as it applies to each lot.

#### **NOTE:**

1. City of Palmerston advises that stormwater requirements are applicable to all new development whether they are built to the boundary or to 0.3m variation.

#### **REASONS FOR 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 purpose of Zone MD (Multiple dwelling Residential) is to provide for a range of housing options to a maximum height of two storeys above ground level. The building setback plan facilitates the location of single dwellings and therefore is consistent with the purpose of the zone.

2. Pursuant to Section 51(n) of the *Planning Act*, 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.

A variation to clause 7.3.3 (Side Setbacks for Single Dwellings on Lots less than 600m<sup>2</sup> but not less than 300m<sup>2</sup>) of the Northern Territory Planning Scheme is granted as an integrated approach to side setbacks is achieved which is consistent with Practice Direction No. 1 issued by the Palmerston Division of the Development Consent Authority on 21 October 2015.

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

**ITEM 3**  
**PA2016/0117**  
**APPLICANT**

**CHANGE OF USE FROM WAREHOUSE TO LEISURE AND RECREATION (UNIT 5)**  
**UNIT 11108 (5/1) MCKENZIE PLACE, TOWN OF PALMERSTON**  
**SAM'S DANCE STUDIO**

Ms Sheree Lyn, Ms Rene Jackson, Ms Tania McBride, Ms Lynette Phillips and Ms Kim Hasty attended on behalf of Sam's Dance Studio.

Submitters in attendance:- Ms Ruth Gaden and Ms Karen Maslin representing submitter Adrian Gunter.

Mr Michael Pitts attended as a concerned business owner.

**RESOLVED**  
**33/16**

That pursuant to section 53(c) of the *Planning Act*, the Development Consent Development refuse to consent to the application to develop Unit 11108 (5/1) McKenzie Place Town of Palmerston for the purpose of a change of use from warehouse to leisure and recreation for the following reasons:

#### **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.

'Leisure and recreation' is a discretionary land use in Zone LI (Light Industry) and can be considered taking into account the relevant provisions of the Northern Territory Planning Scheme (NTPS) as well as the overall objectives of the NTPS.

From a land use/context perspective Clause 4.1 of the NTPS establishes Territory wide principles to be achieved including the requirement for safe communities. For this to be achieved the consent authority considers

that the primary performance objective for the application is to demonstrate that sufficient car parking, constructed to a standard and conveniently located, is provided to service the proposed use of the site. Given the site does not provide the required number of car parks and does not provide sufficient justification for a reduction in parking requirements, the consent authority considers that there are significant safety concerns for patrons attending the venue having to park off-site within this light industrial area.

2. Pursuant to Clause 6.5.2 (Reduction in Parking Requirements) a reduction of the parking requirements for the development from 19 to 2 is not granted as:
  - The shortfall is significant and the application has not demonstrated that two parking spaces are sufficient to support the development,
  - There appears to be particular issues during the 3:00pm to 6:00pm period where peak traffic generation periods result in a conflict between pedestrian and vehicle movements within the light industry locality,
  - There is limited on-street parking available adjacent to the site due to parking restrictions (no parking is available on the McKenzie Place frontage), and
  - The availability of public transport in the vicinity is limited.
3. Pursuant to Section 51(e) of the *Planning Act*, the consent authority must take into consideration any public submissions made under section 49, and any evidence or information received under section 50, in relation to the development application.

Two public submissions were received during the exhibition period under Section 49 of the *Planning Act* with respect to the proposal. The submissions raised concerns with the inadequate provision of parking, traffic and safety concerns, and the location being inappropriate for the type of business proposed.

The issues raised in the public submissions are considered by the consent authority as relevant and important factors in its determination not to grant a reduction in parking requirements in this location.

4. Pursuant to Section 51(m) of the *Planning Act*, 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 City of Palmerston does not support the granting of a development permit citing significant safety concerns for users of the facility given the industrial locality, and also raises concerns that the impact of the shortfall is resulting in excess parking on the street verge. The City of Palmerston

considers the site is unsuitable for such a use to occur and poses safety issues to both the users of the facility and surrounding businesses.

The issues raised by the City of Palmerston are considered by the consent authority as relevant and important factors in its determination not to grant a reduction in parking requirements in this location.

5. Pursuant to Section 51(n) of the *Planning Act*, 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.

Given the significant shortfall in parking requirements the consent authority considers that the increase in on-street parking and traffic generation will result in traffic hazards and general nuisance to existing road users and surrounding businesses.

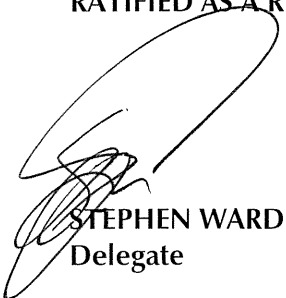
6. Pursuant to Section 51(t) of the *Planning Act*, the consent authority may take into consideration any other matters it thinks fit.

The consent authority notes the additional information presented by the applicant at the Development Consent Authority meeting held on 20 April 2016, including the option to provide parking spaces on the adjacent site (Lot 4620 Town of Palmerston) and to implement an off-site parking management plan.

The consent authority is advised that the adjacent site does not have the required parking surplus to accommodate the 17 bay shortfall created by this application. Notwithstanding this, and noting that any proposal to locate parking on the adjacent site which resulted in a parking shortfall would require a separate development application, the consent authority considers the proposed alternative parking arrangements and off-site parking management plan inadequate to justify the significant parking shortfall proposed.

**ACTION:** Notice of Refusal

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



STEPHEN WARD  
Delegate

28/4/16