



DEVELOPMENT CONSENT AUTHORITY

PALMERSTON DIVISION

MINUTES

MEETING No 190 – WEDNESDAY 17 AUGUST 2016

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

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

APOLOGIES: Stephen Ward

OFFICERS PRESENT: Kate Walker (Secretary), 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 **MOTOR REPAIR STATION**
PA2016/0370 **LOT 7766 (15) YARRAWONGA ROAD, TOWN OF PALMERSTON**
APPLICANT **JUNE D'ROZARIO & ASSOCIATES PTY LTD**

Ms June D'Rozario and Mr Chris Mills attended.

RESOLVED
54/16

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development consent Authority defer consideration of the application to develop Lot 7766 (15) Yarrawonga Road, Town of Palmerston for the purpose of a motor repair station 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:

- Further justification as to why the proposed use of the land will not generate a requirement for more than 10 car parking spaces.
- Demonstration as to how the proposed design and landscape treatment allows for a clear and safe pedestrian link between the subject area and the main shopping centre.
- Any amendments to the application that arise as a result of the above information request.

REASONS FOR DECISION

1. The request for further justification as to why the proposed use of the land will not generate a requirement for more than 10 parking spaces is necessary as the consent authority may only approve a use or development with fewer parking spaces than required by Clause 6.5.1 if it is satisfied that a reduction is appropriate having considered all of the matters as specified by Clause 6.5.2. The application does not adequately demonstrate that the proposed use of the land will provide sufficient off-street car parking to service the proposed use of the site.

2. The request for additional information demonstrating that the proposed design and landscape treatment allows for a clear and safe pedestrian link between the subject area and the main shopping centre is necessary to ensure the safe and convenient usability of the site as a whole.

ACTION: Notice of Deferral

ITEM 2 **RESTAURANT, HOTEL AND SHOP ADDITIONS TO STAGE 1 OF THE GATEWAY**
PA2016/0369 **LOTS 7765, 7766 & 11037 (5, 15 & 11) YARRAWONGA ROAD, TOWN OF**
 PALMERSTON
APPLICANT **JUNE D'ROZARIO & ASSOCIATES PTY LTD**

Ms June D'Rozario and Mr Chris Mills attended.

RESOLVED: That the Development Consent Authority determine to reduce the car parking
55/16 requirements from 1768 parking bays to 1449 parking bays pursuant to Clause 6.5.2
 (Parking Requirements) of the Northern Territory Planning Scheme, vary the
 requirements of Clause 6.6 (Loading Bays) of the Northern Territory Planning
 Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the proposed
 development to develop Lots 7765, 7766 & 11037 (5, 15 & 11) Yarrowonga Road,
 Town of Palmerston for the purpose of a restaurant, hotel and shop additions to Stage
 1 of the Gateway, subject to the following conditions:

GENERAL CONDITIONS

1. Works carried out under this permit shall be in accordance with the drawings numbered 2016/0369/01 through to 2016/0369/14, endorsed as forming part of this permit.
2. Before the use or occupation of the development, Lots 11037, 7765 and 7766 Town of Palmerston are to be consolidated into a single parcel.
3. 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.
4. 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.
5. Before the use/occupation of the development starts, all works identified within the Traffic Impact Assessment (approved through DP15/0437) and any other works associated with the development as required by the Department of Transport are to be undertaken to the requirements of, and at no cost to the Department of Transport, to the satisfaction of the consent authority.
6. All works are to be in accordance with the Construction and Traffic Management Plan (approved through DP15/0437) to the satisfaction of the consent authority.
7. Soil erosion control measures in accordance with the ESCP approved through DP15/0437 must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
8. The developer shall:

- (a) remove disused vehicle and/ or pedestrian crossovers;
- (b) provide footpaths/ cycleways;
- (c) collect stormwater and discharge it to the drainage network; and
- (d) undertake reinstatement works;

all to the technical requirements of and at no cost to City of Palmerston or the Department of Transport as the case may be, 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;

to the satisfaction of the consent authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.

10. The car parking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their visitors.
11. No entry/no exit" signs and arrows directing the internal traffic movement on site shall be provided to the requirements and satisfaction of the consent authority.
12. Before the use/ occupation of the development starts, written confirmation from a qualified Traffic Engineer that the car parking spaces and access ways comply with the relevant Australian Standard. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of City of Palmerston and Department of Transport as the case may be, to the satisfaction of the consent authority.
13. Engineering design and specifications for the affected roads, street lighting, stormwater drainage, vehicular access, and streetscaping including kerb crossovers and driveways to the site approved by this permit are to be to the technical requirements of the Department of Transport, to the satisfaction of the consent authority and all approved works are to be constructed at the developer's expense.
14. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to City of Palmerston and the Department of Transport to the satisfaction of the consent authority.

15. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into the Department of Transport's or City of Palmerston's drains or to any watercourse.
16. 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.
17. 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.
18. Where unfenced, the Stuart Highway and Roystonea Avenue road frontages are to be appropriately fenced in accordance with the Department of Transport's standards and requirements to the satisfaction of the consent authority.
19. 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.
20. Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the consent authority.
21. All waste material not required for further on-site processing must be regularly removed from the site to an approved facility. All vehicles removing waste must have fully secured and contained loads so that the risk of waste spillage and dust or odour is minimised, to the satisfaction of the consent authority.
22. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into the Department of Transport's or the City of Palmerston's drains or to any watercourse.
23. All external plant and equipment must be acoustically treated or placed in sound proof housing to reduce noise to a level satisfactory to the consent authority.
24. Any floodlighting or security lighting provided on site should be shielded in a manner to prevent the lighting causing nuisance to Stuart Highway, Roystonea Avenue and Yarrawonga Road traffic.

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 to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

2. The developer is responsible for safety clearance compliance between existing overhead power lines in the area and any new building or extension during construction and completion in accordance with the NT Electricity Reform (Safety and Technical) Regulations 2000. If any work is required on existing overhead power lines or relocation of any power line as requested, the design and installation cost shall be borne by the Developer.
3. The development should be constructed in accordance with the Building Code of Australia and must meet the requirements of the Public Health Act, Public Health (Shops, Eating Houses, Boarding Houses, Hostels and Hotels) Regulations, as well as the proposed Public Health Guidelines for Commercial Visitor Accommodation and approval should be obtained from the Department of Health.
4. Notwithstanding the approved plans, all signage is subject to the requirements of Clause 6.7 (Signs) of the NT Planning Scheme.
5. All proposed works impacting on the Stuart Highway and Roystonea Avenue are to be designed, supervised and certified on completion by a practicing and registered civil engineer, and shall be in accordance with the standards and specifications of the Chief Executive Officer, Department of Transport. Drawings must be submitted to the Department of Transport for approval and no works are to commence prior to approval and receipt of a Permit to Work Within a Road Reserve.
6. The finish of any Prime Identification sign, if erected, shall be such that, if illuminated, day and night readability is the same and is of constant display (i.e. not flashing or variable message). The sign shall be positioned:
 - (a) so as not to create sun or headlight reflection to motorists; and
 - (b) be located entirely (including foundations and aerially) within the subject lot.
7. Any floodlighting or security lighting provided on site should be shielded in a manner to prevent the lighting being noticeable or causing nuisance to Stuart Highway, Roystonea Avenue and Yarrowonga Road traffic.

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 changes do not alter the development in any significant way and do not introduce any incompatible uses onto the site. The changes are of a scale and character appropriate to the function of the centre and respect the amenity of adjacent and

nearby uses. As such the proposal is considered to be consistent with the purpose of the zone.

2. A reduction in the parking required by Clause 6.5.1 (Parking Requirements) of the Northern Territory Planning Scheme through provisions of Clause 6.5.2 (Reduction in Parking Requirements) from 1768 car parking bays to 1449 parking bays is granted as:
 - The Authority has previously determined through DP15/0437 that assessment of 80% of the gross floor area of this development is acceptable on the understanding that up to 20% of the floor space of the retail components (once fully retrofitted) would be excluded from parking assessment. The Authority attributed a reduction of 202 car parking bays to this aspect of the development.
 - The Authority has previously determined through DP15/0437 to grant a further reduction of 34 car parking spaces on due to the mix of uses proposed for the site, the different peak demand periods expected for the variety of uses, and the availability of public transport within close proximity.
 - Given that much of the increase in parking required for the current proposal is attributable to the hotel (tavern) and restaurants, a further reduction of 83 car parking bays can be granted as:
 - a) The development when considered as a whole includes a number of different but complementary commercial uses and multi-purpose trips to the site are anticipated;
 - b) Parking demand for entertainment and restaurant uses peak at different times to retail uses with parking demand for entertainment usually peaking in the period from early evenings; and
 - c) There are a number of bus routes which service the development. The bus stops for these routes are located a short walk from the site.
3. A variation to Clause 6.6 (Loading Bays) of the NT Planning Scheme to allow 11 loading bays where 12 are required is granted as:
 - A range of loading bay locations areas are proposed to service a variety of retail uses;
 - The loading bays are located so as to not interfere with the safe manoeuvring of traffic and provides for good utilisation of space; and
 - The related nature of the restaurants and retails spaces will enable the loading facilities to be adequately shared.
4. 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

The potential impact of the shopping centre on the existing and future amenity of the area was determined by Development Permit DP14/0886 and DP15/0437. The changes proposed do not alter the development in any significant way and do not introduce any incompatible uses on the site and are not considered to impact on the existing or future amenity of the area.

ACTION: Notice of Consent and Development Permit

ITEM 3
PA2016/0389
APPLICANT

CHANGE OF USE FROM RESTAURANT TO TAVERN (HOTEL)
UNITS 14257 & 14260 (125 & COMMON PROPERTY) FLYNN CIRCUIT, TOWN OF PALMERSTON
ONE PLANNING CONSULT

Mr Israel Kgosiemang and Mr David Anthony attended.

RESOLVED
56/16

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the proposed development to develop Units 14257 & 14260 (125 & Common Property) Flynn Circuit, Town of Palmerston for the purpose of a change of use from restaurant to Tavern (Hotel) subject to the following conditions:

CONDITIONS

1. Works carried out under this permit shall be in accordance with the drawings numbered 2016/0389/01 through to 2016/0389/04 endorsed as forming part of this permit.
2. 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.
3. 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 shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the City of Palmerston to the satisfaction of the consent authority.
5. 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.
6. Storage for waste disposal bins is to be provided to the requirements of the City of Palmerston to the satisfaction of the consent authority.

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.
2. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the National Construction Code of Australia, the *NT Public Health Act* and Regulations, the *NT Food Act* and National Food Safety Standards.
3. The Department of Transport advise that the parking of any vehicles on or along Chung Wah Terrace road reserve is prohibited to any vehicles associated with the land uses on Lot 10281.
4. The Department of Health advises that the development and use hereby permitted should be designed, constructed, registered and operated in accordance with the Building Code of Australia, the NT Public Health Act and Regulations, the NT Food Act and National Food Safety Standards.
5. The Northern Territory Environment Protection Authority advises that the use and operation of the site should be in accordance with the Waste Management and Pollution Control Act. The Northern Territory Environment Protection Authority can be contacted at ntepa@nt.gov.au or by telephone on (08) 8924 4218 for further information.
6. Designs and specifications for landscaping of the road verges adjacent to the property shall be submitted for approval by the Director of Technical Services, City of Palmerston, and all approved works constructed to Council's requirements at the applicant's expense.
7. The finish of any Prime Identification sign, if erected, shall be such that, if illuminated, day and night readability is the same and is of constant display (i.e. not flashing or variable message). The sign shall be positioned:
 - (a) so as not to create sun or headlight reflection to motorists; and
 - (b) be located entirely (including foundations and aerially) within the subject lot.

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 proposal is consistent with the primary purpose of Zone C (Commercial), being "to provide for a range of business and community

uses including shopping areas ranging from neighbourhood convenience shopping to regional centres.”

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.

Provided that stormwater will continue to be appropriately managed on site without impacting on surrounding residential areas and disposed of into Councils stormwater drainage system, no adverse impact on the surrounding land is anticipated.

3. Pursuant to section 51 (n) of the *Planning Act*, 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 site was planned and Zoned C (Commercial) as part of the original subdivision plan for the suburb of Bellamack, as such the current and proposed use of the land remains in accordance with the purpose of the Zone as it will provide for a range of business and community uses. The impacts to the amenity of adjacent and surrounding residential areas were addressed and considered prior to the granting of Development Permit DP14/0819 that approved the development of a mixed use development. Any impacts associated with the current proposal are not expected to be unreasonable given the context of the land being located in Zone C.

ACTION: Notice of Consent and Development Permit

ITEM 4
PA2016/0427
APPLICANT

SUBDIVISION TO CREATE 11 LOTS
LOT 12777 (15) SEAFURY COURT, TOWN OF PALMERSTON
GEORGE SAVVAS

Neither the applicant nor submitter attended the meeting.

RESOLVED
57/16

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the proposed development to develop Lot 12777 (15) Seafury Court, Town of Palmerston, for the purpose of a subdivision to create 11 lots, subject to the following conditions.

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and 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:

- a) Include details of site levels and Council's stormwater drain connection point/s, and
 - b) Indicate how the existing stormwater management system will successfully operate under the boundary arrangements of the subdivision with particular attention given to the existing stormwater easement and the continued function of this easement with the proposed boundary of lots 6 and 7 with particular consideration to the positioning of boundary fencing.
2. Prior to the commencement of works, an Erosion and Sediment Control Plan (ESCP), is to be submitted to and approved by the consent authority on the advice of DLRM. The plan should detail methods and treatments for minimising erosion and sediment loss from the site during the construction phase. The IECA Best Practice Erosion and Sediment Control Guidelines 2008 may be referenced as a guide to the type of information, detail and data that should be included in an ESCP. Information regarding erosion and sediment control and ESCP content is available at www.austieca.com.au and the DLRM website: <http://lrn.nt.gov.au/soil/management>.

CONDITIONS

3. Works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
4. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the requirements of the consent authority, upon the advice of the Department of Land Resource Management.
5. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement of site is to be created on the plan for subdivision submitted for approval by the Surveyor General.
6. Access to proposed lots 6 and 7 is to be via Crosby Street only. No secondary access or access otherwise is permitted from the Seafury cul-de-sac head at the rear of these lots.
7. 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 services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
8. 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.

9. The developer will be required to contact the City of Palmerston prior to the relocation of any Council infrastructure or service for the purposes of installation of a driveway crossover.
10. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, site earthworks, vehicular access, pedestrian/ cycle corridors and streetscaping are to be to the technical requirements of the City of Palmerston to the satisfaction of the consent authority and all approved works constructed at the owner's expense.

NOTES

1. This permit will expire if one of the following circumstances applies:
 - a. the development and use is/are 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) and Power Network Engineering Section (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. 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>
4. As part of any subdivision, the parcel numbers for addressing should comply with the Australian Standard (AS/NZS 4819:2011)

For more information contact Survey and Land Records surveylandrecords@nt.gov.au 08 8995 5354. The numbers shown on the plans endorsed as forming part of this permit are indicative only and are not for addressing purposes.

5. City of Palmerston has advised that access to the proposed lots must be in accordance with the driveway location plan assessed as part this application. City of Palmerston further advised that any established verge street tree that is removed for the construction of driveways is to be

replaced at the developer's expense and in a location to the standards of the City of Palmerston.

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.

Lot 12777 (15) Seafury Court is located within Zone SP9 of the Scheme. As the proposed 11 lots comply with the average lot size required for 'Courtyard' and 'Economy traditional' dwelling types, the proposed lots will facilitate the subdivision, use and development of the land as a predominantly residential estate. Furthermore, the proposal generally complies with all relevant provisions of the NT Planning Scheme.

2. 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.

One public submission was received during the exhibition period under Section 49 of the *Planning Act* with respect to the proposal. The submission raised concerns with impacts to the amenity of the Zuccoli subdivision.

The subdivision is generally compliant with the assessable clauses of the NT Planning Scheme. The letter from Land Development Corporation (LDC) confirms that the developer will be required to adhere to the design guidelines and covenants on the proposed new lots, as is the case on all other single dwelling lots within Zuccoli stage 1, and as such the proposed subdivision will remain in keeping with the Zuccoli stage 1 subdivision.

3. 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.

Provided that an ESCP is developed and implemented to the requirements of the Department of Land Resource Management, and stormwater is managed on site without impacting on the surrounding area and disposed of into the City of Palmerston's stormwater drainage system, the land is generally considered capable of supporting the proposed subdivision.

4. 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.

The land is zoned accordingly to accommodate the proposed subdivision, furthermore the proposed subdivision remains in keeping with the purpose and the key objective of Zone SP9 and is not considered to further affect the existing or future amenity of the Zuccoli residential subdivision.

ACTION: Notice of Consent and Development Permit

ITEM 5
PA2016/0407
APPLICANT

**19 X 3 BEDROOM MULTIPLE DWELLINGS IN 7 X 1 AND 3 X 2 STOREY BUILDINGS
LOTS 12884 & 12885 (1 & 9) TUCKEROO BOULEVARD, TOWN OF PALMERSTON
DKJ PROJECTS ARCHITECTURE**

Mr Adam Walker and Ms Susanne McCann from DKJ Projects attended with Ms Joanne Biron. Ms Sophie Henry was an apology.

RESOLVED
58/16

That, the Development Consent Authority vary the requirements of Clause 7.1.1 (Residential Density Limitations) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application to develop Lots 12884 & 12885 (1 & 9) Tuckeroo Boulevard, Town of Palmerston for the purpose of 19 x 3 bedroom multiple dwellings in 7 x 1 and 3 x 2 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. The plans must be generally in accordance with the plans submitted with the application but modified to show:

- Consistent setbacks across the entire drawing set in relation to the carports to the eastern and western boundaries. All carports require a minimum 1.5m setback to the columns with the eaves setback at least 0.6m.

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 local stormwater drainage system shall be submitted to and approved by the Department of Lands, Planning and the Environment (Infrastructure Division) and/or City of Palmerston as the case may be, to the satisfaction of the consent authority. The plan shall include details of the drainage connection points. The plan shall also indicate how stormwater will be collected on the site and discharged to the Department of Lands, Planning and the Environment and/or City of Palmerston stormwater drainage system.

3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a waste management plan in accordance with Council's Waste Management Policy (including details of the waste bin storage area) is required to be submitted, to the requirements of the City of Palmerston, to the satisfaction of the consent authority.

4. Prior to the commencement of works, an Erosion and Sediment Control Plan (ESCP) is to be submitted to and approved by the consent authority on the advice of the Department of Land Resource Management (DLRM). All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the requirements of the consent authority, on advice from DLRM. The plan should detail methods and treatments for minimising erosion and sediment loss from the site during the construction phase. The IECA Best Practice Erosion and Sediment Control Guidelines 2008 may be referenced as a guide to the type of information, detail and data that should be included in an ESCP. Information regarding erosion and sediment control and ESCP content is available at www.austieca.com.au and the DLRM website: <http://lrm.nt.gov.au/soil/management>.

5. Prior to the commencement of works, detailed design of the stormwater drainage infrastructure and connections to the existing infrastructure shall be submitted to and approved by the Department of Lands, Planning and the Environment (Infrastructure Division), to the satisfaction of the consent authority.

GENERAL CONDITIONS

6. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.

7. Before the use or occupation of the development, Lots 12884 & 12885 (1 & 9) Tuckeroo Boulevard, Town of Palmerston are to be consolidated into a single parcel.

8. Vehicle access to the site from Tuckeroo Boulevard and Zuccoli Parade is not permitted.

9. No direct or temporary access (for construction purposes) is permitted from the Tuckeroo Boulevard and Zuccoli Parade road reserves. Construction and delivery vehicles shall not be parked on the Tuckeroo Boulevard and Zuccoli Parade road reserve.

10. 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.

11. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities and electricity services and telecommunications networks to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

12. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to Department of Lands, Planning and the Environment (Infrastructure Division) and/or City of Palmerston as the case may be to the satisfaction of the consent authority.

13. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the City of Palmerston, to the satisfaction of the consent authority.

14. The owner shall:

- (a) remove disused vehicle and/ or pedestrian crossovers;
- (b) provide footpaths/ cycleways;
- (c) collect stormwater and discharge it to the drainage network; and
- (d) undertake reinstatement works;

All to the technical requirements of and at no cost to the Department of Lands, Planning and the Environment (Infrastructure Division) and/or City of Palmerston as the case may be, to the satisfaction of the consent authority.

15. 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.

16. 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.

17. 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.

18. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the requirements of the consent authority, upon the advice of the Department of Land Resource Management'.

19. 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.

20. All balconies are to be internally drained and discharge is to be disposed of at ground level and in a manner consistent with stormwater disposal arrangements for the site to the satisfaction of the consent authority.

21. Storage for waste disposal bins is to be provided to the requirements of City of Palmerston to the satisfaction of the consent authority.

22. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into the Department of Lands Planning and the Environment or City

of Palmerston's drains or to any watercourse.

23. Prior to the use/occupation of the development and connection of services (i.e. power and water), the owner of the land must apply for unit/street addressing from the Surveyor-General of the Northern Territory. This will form the legal address and will be required to be placed on the doors and meters within the development in accordance with the allocation. An Occupancy Permit will not be able to be granted until such time as addressing is obtained.

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) and Power Network Engineering Section (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. 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>

4. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority'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.

5. The Surveyor-General advises you should immediately make application for unit/street addresses to the Survey and Land Records unit on (08) 8995 5362 (surveylandrecords@nt.gov.au).

6. A "Permit to Work Within a Road Reserve" is required from the City of Palmerston or Department of Lands, Planning and the Environment (Infrastructure) before commencement of any work within the road reserve.

7. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act 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.

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 as it provides for multiple dwellings in a number of different configurations for potential residents of Zuccoli.

A variation to the requirements of Clause 7.1.1 (Residential Density Limitations) to allow 19 dwellings is granted as the site is not within a projected storm surge and no other physical site constraints have been identified. Power and Water Corporation advise that their requirements in terms of reticulated services can be met through contributions and upgrades at the owner/developers cost. Community facilities in the area include parks, a suburban shopping centre (under construction) and schools (proposed). The application complies with all other aspects of the Northern Territory Planning Scheme which indicates that the density of the development is appropriate having regard to the purpose of the clause.

2. Pursuant to section 51(e) of the *Planning Act*, the consent authority must take into account any submissions made under section 49 in relation to the development application. One submission was received which raised concerns with the proposal, particularly in regard to the proposed access arrangements from Paperbark Crescent. The Department of Lands, Planning and the Environment (Infrastructure) advised that access is not permitted to the site from Zuccoli Prd and Tuckeroo Blv. The location and technical design of the access crossover will be to the standards of the City of Palmerston, as required by condition 13 of the permit.
3. 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.

Provided that erosion and sediment control measures are in place and stormwater is managed on site without impacting on adjoining properties and disposed of into the Department of Lands, Planning and the Environment's and/or City of Palmerston's stormwater drainage system the land is generally considered capable of accommodating a multiple dwelling development.

4. In accordance with the requirements of section 51(m) of the *Planning Act*, consideration has been given to all comments received from service authorities, with all relevant matters addressed through conditions or notes on the development permit, thereby ensuring that an appropriate level of service is maintained for the site and surrounding locality.

ACTION: Notice of Consent and Development Permit

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



DENIS BURKE
Chairman

19 /8/16

