DEVELOPMENT CONSENT AUTHORITY

PALMERSTON DIVISION

MINUTES

MEETING No. 198 – WEDNESDAY 17 MAY 2017

BOULEVARD ROOM
QUEST PALMERSTON
18 THE BOULEVARD
PALMERSTON

MEMBERS PRESENT: Denis Burke (Chairman), Steve Ward, Bob Flanagan, Paul Bunker and Seranna Shutt

APOLOGIES: Andrew Byrne

OFFICERS PRESENT: Margaret Macintyre (Secretary), Anthony Brennan, Joseph Sheridan and Alexandra Tobin (Development Assessment Services)

COUNCIL REPRESENTATIVE: Gerard Rosse

Meeting opened at 10.00 am and closed at 12.15 pm
ITEM 1  
PA2017/0111  
BUILDINGS  
LOT 9982 & 9883 (50 & 52) WOOD CRESCENT, TOWN OF PALMERSTON  
APPLICANT  
ONE PLANNING CONSULT  

Mr Israel Kgoisemang (One Planning Consult), Mr Rik Jones (Senior Project Manager DIPL), Mr Sam Nixon (building certifier) and Mr Travis Drenth (builder) attended. 

Mr Kgoisemang tabled twenty one amended plans to address some of the recommended conditions precedent in the DAS report. 

RESOLVED  
28/17  
That, the Development Consent Authority vary the requirements of clauses 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) and 7.5 (Private Open Space) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application to develop Lots 9882 and 9883 (50 and 52 Wood Crescent), Town of Palmerston for the purpose of 4 x 2 and 4 x 1 bedroom multiple dwellings in 4 x 1 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 two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show: 

(a) Additional landscaping or screening measures for all units which demonstrate compliance with sub-clause 7.5.4 (Private Open Space) of the Northern Territory 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 local 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 the drainage connection points. The plan shall also indicate how stormwater will be collected on the site and discharged to the City of Palmerston stormwater drainage system. 

3. 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 Environment and Natural Resources (DENR). 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 DENR. The ESCP is to be developed by a suitably qualified and experienced professional in erosion and sediment control planning and 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 the ESCP. The plan should detail methods and treatments for minimising erosion and sediment loss from the site during the construction phase. Information regarding erosion and sediment control and ESCP content is available at: www.austieca.com.au and the NT Government website: http://nt.gov.au/environment/soil-land-vegetation.

GENERAL CONDITIONS

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

5. 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.

6. 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.

7. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply and sewerage facilities, 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.

8. 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.

9. 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.

10. 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 City of Palmerston, to the satisfaction of the consent authority.

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.

12. 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.

13. 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.
14. Storage for waste disposal bins is to be provided to the requirements of City of Palmerston to the satisfaction of the consent authority.

15. An Occupancy Permit under the Building Act must not be issued until Lots 9882 and 9883 Town of Palmerston have been consolidated and a new title issued for the consolidated lot.

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services and Power Network Engineering Section 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. 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](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](http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/builders-designers.html)

3. 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.

4. A “Permit to Work Within a Road Reserve” is required from the City of Palmerston before commencement of any work within the road reserve.

5. 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 account 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 the purpose of public housing within Rosebery.
2. A variation to allow the shed of Unit 7 to be setback 4.8m from Wood Crescent (Primary Street) instead of the 6m required for residential buildings and structures with external walls is granted for the following reasons:

- the minor encroachment is unlikely to have an adverse impact on the streetscape due to the provision of solid screen fencing and landscaping adjacent the Wood Crescent frontage, and;
- the front boundary is articulated which allows the other buildings to be sited so that the potential effects of building massing on the Wood Crescent streetscape are further reduced.

For the reasons outlined above, the minor encroachment on the front setback requirements is unlikely to undermine the purpose of clause 7.3 and is therefore granted.

3. A variation to the requirements of clause 7.5 (Private Open Space) of the Northern Territory Planning Scheme is granted for the following reasons:

- The variation sought to the dimensional requirements for units 3 and 6 are considered to be relatively minor;
- The inclusion of paving at the rear of units 3, 4, 5 and 6 (1 bedroom) is acceptable noting that tenants will likely be elderly and it will assist in reducing maintenance requirements;
- Upon receipt of amended plans required by condition precedent 1a), the development will provide increased privacy for future residents and adjoining landowners.

4. 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 and pursuant to Section 51 (n) the potential impact on the existing and future amenity of the area in which the land is situated.

The application has been exhibited in accordance with the Planning Act and no public submissions objecting to the proposal were submitted.

5. 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

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**ITEM 2**

PA2017/0126

**APPLICANT**

72 X 2 BEDROOM MULTIPLE DWELLINGS IN 5 X 4 STOREY BUILDINGS

LOT 13502 (6) TUCKEROO BOULEVARD, TOWN OF PALMERSTON

ONE PLANNING CONSULT

Mr Israel Kgoisemang (One Planning Consult), Mr Savvas Savvas (Architect) and Mr Michael Milatos (owner and developer) attended.
RESOLVED
29/17

That, the Development Consent Authority vary the requirements of clauses 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures), 7.3.1 (Additional Setback Requirements for Residential Buildings longer than 18 metres and for Residential Buildings over 4 Storeys in Height) and 7.5 (Private Open Space) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application to develop Lot 13502 (6 Tuckeroo Boulevard), Town of Palmerston for the purpose of 72 x 2 bedroom multiple dwellings in 5 x 4 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 two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

   (a) floor plans for all proposed dwellings that accurately reflect the additional balcony areas for units at the end of each building;
   (b) accurate elevations that show all overall building heights including structures within the communal open space areas;
   (b) dimensions for all car parking bays, driveways and landscaping depth with regard to sub-clauses 6.5.3 (Parking Layout) (g), (h) and (j);
   (c) additional screening measures for private open space balconies at the end of each building adjacent common areas;
   (d) dimensions on the plans that show the total area of landscaping in square metres to ensure compliance with clauses 7.6 (Communal Open Space) and 7.7 (Landscaping for...Multiple Dwellings...), and;
   (e) drainage for balconies in each individual unit.

2. Prior to the endorsement of plans and commencement of works (including site preparation), a Traffic Impact Assessment Report detailing the impact of traffic generation from the development on Tuckeroo Boulevard and associated streets, must be completed by a suitably qualified professional to the requirements of City of Palmerston and/or the Land Development Unit of the Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority.

3. Prior to the endorsement of plans and 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 City of Palmerston and/or the Land Development Unit of the Department of Infrastructure, Planning and Logistics, 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 City of Palmerston stormwater drainage system.

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 Environment and Natural Resources (DENR). 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 DENR. The ESCP is to be developed by a suitably qualified and experienced professional in erosion and sediment
control planning and 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 the ESCP. The plan should detail methods and treatments for minimising erosion and sediment loss from the site during the construction phase. Information regarding erosion and sediment control and ESCP content is available at: www.austieca.com.au and the NT Government website: http://nt.gov.au/environment/soil-land-vegetation.

GENERAL CONDITIONS

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

6. 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.

7. 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.

8. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply and sewerage facilities, 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.

9. 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 and/or the Land Development Unit of the Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority.

10. All proposed works impacting on Tuckeroo Boulevard and Zuccoli Parade 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 City of Palmerston and/or the Land Development Unit of the Department of Infrastructure, Planning and Logistics and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".

11. 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.

12. 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 City of Palmerston and/or the Land Development Unit of the Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority.
13. 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.

14. 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.

15. 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.

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

17. 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.

18. A Compliance Certificate under the Swimming Pool Safety Act issued by the Swimming Pool Safety Authority is required for the swimming pool/s prior to the commencement of the use/development to the satisfaction of the consent authority.

19. 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 Environment and Natural Resources.

20. 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 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 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. 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. 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
3. 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.

4. A “Permit to Work Within a Road Reserve” is required from the City of Palmerston or the Land Development Unit - Department of Infrastructure, Planning and Logistics (where it impacts on Zuccoli Parade) before commencement of any work within the road reserve.

5. 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.

6. The Surveyor-General advises you should immediately make application for unit/street addresses to the Survey Land Records unit on (08) 8995 5354 (surveylandrecords@nt.gov.au).

**REASONS FOR THE DECISION**

1. Pursuant to section 51(a) of the Planning Act, the consent authority must take into account the planning scheme that applies to the land to which the application relates.

   The proposal is consistent with the primary purpose of Zone MR (Medium Density Residential), which is to “provide for a range of housing options to a maximum height of four storeys above ground level”, and that the development is considered to be of a “scale, character and architectural style that is compatible with the streetscape and surrounding development”.

2. The application is seeking a variation to clause 7.3 (Setbacks of Residential Buildings and Ancillary Structures) and clause 7.3.1 (Additional Setback Requirements for Residential Buildings longer Than 18 metres and for Residential Buildings over 4 Storeys in Height) of the Northern Territory Planning Scheme. The primary purpose of clause 7.3.1 is ‘to ensure that residential buildings respond to the potential adverse effects of building massing and visual bulk when viewed from adjoining land and the street’. A variation to the requirements of this clause to allow a reduced setback to the boundaries is granted for the following reasons:

   - The subject site is bounded by Zone CP (Community Purpose) land to west and Zone FD (Future Development) land to the north (drainage reserve). The reduction in setbacks sought for these boundaries is considered unlikely to have an adverse impact on the potential and future level of amenity associated with the area as the these adjacent zones do not allow for dense residential development;
   - The effect of building massing is considered to be reduced by the wider than average road reserves of Tuckeroo Boulevard and Zuccoli Parade;
• The type of development of proposed is considered to be reasonably anticipated for Zone MR (Medium Density Residential);
• The development will also allow for increased passive surveillance of adjacent public areas thereby increasing the level of safety for the community, and;
• The information required by the condition precedents will ensure that the level of amenity for future residents is also adequately addressed in terms of privacy.

For the reasons outlined above, the proposed development is not considered to undermine the purpose of clause 7.3.1 and is therefore supported.

3. In relation to clause 7.5 (Private Open Space), the variation to the dimensional requirements of this clause are considered to be relatively minor and the Authority notes the provision of a centralised communal open space area which includes a pool and areas for recreation.

4. 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.

The Authority considers the issues raised in the submissions to be adequately addressed by the conditions included on the development permit. In relation to the issue regarding the potential over development of the site, the subject land is not directly adjacent any residential land is unlikely to adversely affect the existing and future amenity of the area as a result of the reduced setbacks particularly as there is adequate separation from Zone SD (Single Dwelling) land.

5. 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 Determination

ITEM 3
PA2017/0138

CHANGE IN USE OF FIRST AND SECOND FLOOR FROM OFFICE TO HOSTEL (98 BEDS), ROOF TOP TERRACE ADDITIONS AND CHANGES TO THE EXTERNAL FACADE
LOT 2710 (3) MANSFIELD STREET, TOWN OF PALMERSTON

APPLICANT
ZEST PROJECTS

Ms Eavan Coyne (Zest Projects) attended.
Submitter Mr Wells attended.

RESOLVED
30/17

That, pursuant to section 46(4)(b) of the Planning Act, the Development Consent Authority defer consideration of the application to develop Lot 2710 (3) Mansfield Street, Town of Palmerston, for the purpose of a change in use of first and second floor from office and conversion of third floor (roof) to hostel (98 beds) and education establishment including upgrades to the external building façade,
to require the applicant to provide the following additional information that the Authority considers necessary to enable proper consideration of the application:

- Further clarification and details of the proposed uses including, but not limited to:
  - Clarification on whether the proposed uses of a 'hostel' and 'education establishment' are intended to operate independently or as a single entity.
  - If operated as a single entity, identification of the terms of any proposed lease and the circumstances in which the operator will be able to offer the proposed accommodation to 'alternative occupants' who are not enrolled in a course at the proposed 'education establishment' use on the site.
  - Any further information to that already submitted regarding the uses and type of education services to be provided that the applicant wishes to have considered by the consent authority, City of Palmerston and service authorities, which will enable an accurate assessment of the proposal and inform appropriate comments and condition requests where appropriate.

- Further clarification and details that the existing building is adequate for the proposed uses, including, but not limited to:
  - Advice from a suitably qualified professional that the proposed uses can comply with the applicable building codes and fire safety regulations.
  - Advice that the proposed uses can comply with the relevant legislation with regards to hostel accommodation and food preparation.

**REASON FOR THE DECISION**

1. Pursuant to section 46(4)(b) of the Planning Act, the Development Consent Authority may defer consideration of an application to enable the applicant to provide additional information that the authority considers necessary. Additional information is considered necessary to clarify the proposed uses of the site, the type of education facilities to be provided and to ensure the uses can reasonably comply with the relevant legislation. Furthermore, the additional information is considered necessary to ensure that the City of Palmerston and service authorities can undertake an accurate assessment of the proposal, and provide the consent authority with appropriate comments and condition requests where appropriate.

**ACTION:** Advice to Applicant

ITEM 4 PA2017/0108

CHANGES TO DP14/0768B FOR THE PURPOSE OF STAGING AND THE ADDITION OF 10 LOTS
LOT 14473 ROYSTONEA AVENUE, TOWN OF PALMERSTON

APPLICANT ELTON CONSULTING

Mr Martin Klopper and Mr Frank Eyndhoven (both from Elton Consulting), Mr Jeremy Clark (Development Manager) and Mr Shane Spignol attended.

RESOLVED 31/17

That, the Development Consent Authority vary the provisions of Clause 4 (Lot Size and Configuration) of Zone SP8 (Specific Use Zone Palmerston No. 8), and pursuant to section 53(a) of the Planning Act, consent to the application to develop Lot 14473 Roystonea Avenue, Town of Palmerston, for the purpose of
changes to DP14/0768, DP14/0768A and DP14/0768B for the purpose of staging the development and the addition of 10 lots, subject to the following conditions.

CONDITIONS PRECEDENT

1. Prior to the commencement of works, an updated sewer and infrastructure master plan and design report with supporting technical documentation for the entire Durack Heights development is to be submitted to and approved by the Power and Water Corporation, to the satisfaction of the consent authority.

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 the Department of Environment and Natural Resources (DENR). All works relating to this permit are to be undertaken in accordance with the ESCP to the requirements of the Consent Authority, on the advice from DENR. The ESCP is to be developed by a suitably qualified and experienced professional in Erosion and Sediment Control (CPESC) and in accordance with the IECA Best Practice Erosion and Sediment Control Guidelines 2008. The plan should detail methods and treatments for minimising erosion and sediment loss from the site during the construction phase. Information regarding ESCP content is available at: www.austieca.com.au.

GENERAL CONDITIONS

3. Works carried out under this permit shall be in accordance with the drawings numbered 2017/0108/01 through to 2017/0108/08.

4. The development must proceed in the order of stages as shown on the endorsed plan unless otherwise agreed in writing by the consent authority.

5. The applicant shall demonstrate to the satisfaction of the consent authority how potential purchasers will be informed about the specific terms of the SU8 zone of the NT Planning Scheme, and in particular how the requirements of endorsed setback plan and house and land package documentation apply to each site.

6. 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 each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

7. 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.

8. 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.

9. 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 Environment and Natural Resources.
10. Stormwater drainage shall be wholly contained within the site and discharged into the local stormwater system to the standards and approval of the City of Palmerston and/or Transport and Civil Services Division of the Department of Infrastructure Planning and Logistics. All proposed lots fronting Roystonlea Avenue shall be graded such that the stormwater runoff from the properties is away from the road and is able to be collected within the development area and appropriately discharged into the local stormwater system.

11. All unsuitable soil within Stages 10 through to 14 must be removed and replaced with appropriate soil type(s), with all excavation and/or filling to be designed, supervised and certified on completion by a practising and registered Civil Engineer, confirming that the land is suitable of the intended residential use and development, in accordance with Australian Standard AS3798: Guidelines on earthworks for commercial and residential developments, to the satisfaction of the consent authority.

12. 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.

13. Dust control measures must be employed throughout the construction stage of the development to the requirements of the NT EPA, to the satisfaction of the consent authority.

14. Where unfenced, the Roystonlea Avenue frontage is to be appropriately fenced in accordance with the Department of Transport's standards and requirements to deter unauthorised vehicular and/or pedestrian movement.

15. All proposed work (including provision of services) within, or impacting upon the Roystonlea Avenue, University Avenue or Tiger Brennan Drive Road reserves shall be designed, supervised and certified on completion by a practising and registered civil engineer, and shall be in accordance with the standards and specifications of the Chief Executive, Department of Transport. Drawings must be submitted to the Director Roads for Road Agency, Department of Transport, irrespective of approvals granted by other Authorities. No works are to commence prior to approval and receipt of a “Permit to Work Within a Road Reserve”.

16. The developer shall have carried out, as part of stage 10 - 14 works, and in accordance with AS3671-1989, “Acoustics – Road Traffic Noise Intrusion – Building Siting and Construction” an assessment by a suitably qualified person of the development's present and predicted future exposure to road traffic noise levels, and where required provide appropriate noise attenuation measures to the satisfaction of the Authority. All noise attenuation works deemed necessary shall be carried out by and at the full cost of the developer and shall be wholly contained (including foundations) within the subject lot. All noise attenuation works deemed necessary, either by building materials and design or lot layout, shall be carried out by and at the full cost to the developer and shall be wholly contained within the subject lot.

17. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
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. 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

3. 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.

4. 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 8936 4070 to determine if the proposed works are subject to the Act.

5. There are statutory obligations under the Weeds Management Act to take all practical measures to manage weeds on the property. For advice on weed management please contact the Department of Land Resource Management.

6. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority’s Noise Guidelines for Development Sites in the Northern Territory. 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.

7. The Northern Territory Environment Protection Authority advises that the proponent is obligated to comply with their General Environmental Duty under Section 12 of the Waste Management and Pollution Control Act. The proponent should carefully consider how they will achieve and demonstrate their continued compliance with Section 12 of the WMPC Act in relation to the proposed development and its likely environmental impacts. Potential options to achieve and demonstrate compliance with the proponent’s General Environmental Duty may include the adaptive development and use of an Environmental Management Plan specifically developed to
prevent environmental impacts occurring as a result of activities undertaken under the Development Permit. Guidelines to assist proponents avoid environmental impacts and prepare an Environmental Management Plan, are available on the NT EPA website at: https://ntepa.nt.gov.au/waste-pollution/guidelines/guidelines and include:

- Preparation of an Environmental Management Plan
- Keeping Our Stormwater Clean - A Builder’s Guide
- Guidelines to Prevent Pollution from Building Sites
- Noise Guidelines for Development Sites in the Northern Territory.

8. The Developer, his Contractor or Service Provider is required to obtain a “Permit to Work within a Road Reserve” from the Manager Road Operations, Road Projects Division, Department of Construction and Infrastructure (2nd Floor, Highway House, Palmerston) prior to the commencement of any works within the Roystonea Avenue road reserve.

9. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities.

10. Any stormwater drains and WSUD should conform to the Public and Environmental Health Act 2011 and the associated Public Health (General Sanitation, Mosquito Prevention and Rat Exclusion and Prevention) Regulation, in regards to preventing mosquito breeding.

11. The permit holder should ensure that only uncontaminated fill is accepted and that the fill has been adequately assessed as being suitable for the intended use. Polluting a site with contaminated fill may constitute an offence under the Waste Management and Pollution Control Act.

12. The Department of Environment and Natural Resource advise that the subdivision supports populations of the threatened Cycas, Cyas armstrongii (Vulnerable, Territory Parks and Wildlife Conservation Act). It is recommended that individual C. armstrongii are conserved or salvaged from the lots during development, as per the Management Program for Cycads in the Northern Territory of Australia 2009 – 2014 (Liddle, 2009).

**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 purpose of Zone SP8 (Specific Use) is to facilitate the subdivision, use and development of the land that provides for housing choice through a range of lot sizes and housing types and includes opportunities for commercial and community uses. The proposed subdivision will facilitate changes to the subdivision of stages 10 to 14 generally in accordance with the objectives of the zone as the subdivision layout provides for housing choices through a range of lot sizes and housing types and includes open space.
2. A variation to the requirements of Clause 4 (Lot Size and Configuration) of Zone SP8 (Specific Use) to increase the proportion of lots below 499m² and reduce the number of lots over 500m² is granted as:

- The proposed subdivision will continue to provide lots of a size, configuration and orientation suitable for residential purposes;
- Revised housing typology percentages (%) for stages 1 to 14 (table 3) indicates that the proposed changes to stages 10 to 14 does not result in a significant departure from the required and/or permitted housing type percentages (%);
- It is anticipated that stages 15 to 23 of ‘The Heights Durack’ residential subdivision will include land more suited to the larger lot configuration; and
- Traditional 1 and Traditional 2 housing types for stages 1 to 14 are currently within permitted housing type percentages (%).

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 stormwater is adequately addressed and an Erosion and Sediment Control Plan is developed, in accordance with the requirements of the Department of Environment and Natural Resources, to the satisfaction of the consent authority, the land is considered capable of supporting the subdivision without any adverse impact on surrounding land.

ACTION: Notice of Consent and Development Permit

ITEM 5
PA2017/0135
APPLICANT
CLEARING OF NATIVE VEGETATION (MAINTENANCE OF DRAINAGE INFRASTRUCTURE
LOT 10018 (260) STUART HIGHWAY, TOWN OF PALMERSTON
DEPARTMENT OF INFRASTRUCTURE, PLANNING AND LOGISTICS

Mr Ken Gardner and Mr Graeme Finch (Department of Infrastructure, Planning and Logistics) attended.

Submitter Mr Gerry Wood MLA attended.

RESOLVED
32/17

That, pursuant to section 53(a) of the Planning Act, the Development Consent Authority consent to the application to develop Section 10018 (260) Stuart Highway, Town of Palmerston for the purpose of clearing native vegetation (maintenance of drainage infrastructure), 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 two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
(a) areas of vegetation subject to clearing; and
(b) areas of vegetation to be retained and/or additional vegetation to be planted.

The areas of vegetation to be retained should be sufficient to provide an adequate buffer to the adjacent multiple dwelling development on Lot 13030 from the Stuart Highway.

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 DENR. 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 DENR. The plan should detail methods and treatments for minimising erosion and sediment loss from the site during the construction phase. Erosion and sediment control information is available at the NT Government website: https://nt.gov.au/environment/soil-land-vegetation/soil-management-erosion-sediment-control.

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. All works relating to this permit are to be undertaken in accordance with the endorsed Erosion and Sediment Control Plan to the requirements of the consent authority, upon the advice of the Department of Environment and Natural Resources.

5. 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.

6. The clearing of native vegetation is to be undertaken only in the areas identified on the endorsed drawing as “Permitted Clearing”. All remaining native vegetation is to be maintained to the satisfaction of the consent authority.

7. The permit holder must ensure that the clearing operator has a copy of the permit, including the endorsed drawing, at all times during the clearing operation.

8. Before the vegetation removal starts, the boundaries of all vegetation stands to be removed and retained must be clearly marked on the ground or marked with tape or temporary fencing to the satisfaction of the consent authority.

NOTES:

1. There are statutory obligations under the Weeds Management Act to take all practical measures to manage weeds on the property. For advice on weed management please contact the Department of Environment and Natural Resources.

2. A permit to burn is required from the Regional Fire Control Officer, Department of Land Resource Management, prior to the ignition of any
felled vegetation on the property. Fire prevention measures are to be implemented in accordance with the requirements of the *Bushfires Act*.

3. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development area available from the Department of Environment and Natural Resources.

**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 generally complies with the requirements of the Scheme. A condition precedent requiring the submission of an amended clearing plan is considered necessary to ensure an adequate buffer remains between the adjacent multiple dwelling development on Lot 13030 and the Stuart Highway. A condition precedent requiring the submission of an Erosion and Sediment Control Plan prior to the commencement of works has been included to minimise any environmental impacts that could potentially result from the clearing and subsequent construction of stormwater infrastructure.

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 an Erosion and Sediment Control Plan is developed and implemented no adverse impact on the surrounding land is anticipated.

3. 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.

   In response to the concerns raised in the public submission, a condition precedent has been included on the issued permit requiring the applicant to submit amended clearing plans. The amended plans shall clearly demonstrate the areas of vegetation proposed to be cleared and the areas of vegetation to be retained to ensure that a sufficient visual barrier from the Stuart Highway to adjacent residential development is retained.

**ACTION:** Notice of Determination

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**ITEM 6**

**PA2017/0099**

**APPLICANT**

SUBDIVISION TO CREATE 50 LOTS (ZUCCOLI STAGE 3.3)
LOT 14375 ZUCCOLI PARADE, TOWN OF PALMERSTON
NORTHERN PLANNING CONSULTANTS PTY LTD

Mr Brad Cunnington (Northern Planning Consultants Pty Ltd) and Mr Tim Bycroft (Urbex) attended.
That, pursuant to section 53(a) of the Planning Act, the Development Consent Authority consent to the application to develop Lot 14375, Zuccoli Parade, Town of Palmerston for the purpose of a subdivision to create 50 lots (Zuccoli phase 3.3), subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), written confirmation is required from City of Palmerston advising that its concerns in relation to the proposed road network have been resolved. Any changes required to the subdivision as result of addressing the above matters must be submitted to and approved by the consent authority.

2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a site stormwater drainage 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 City of Palmerston, to the satisfaction of the consent authority. The plan shall indicate how the stormwater can be collected on the site and discharged without the need for excessive cut/fill/retaining wall works. The plan shall show the relevant drain connections point/s and indicate how stormwater will be collected on site and discharged to the relevant authorities' drainage system.

3. 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 for the Department of Environment and Natural Resources (DENR). 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 DENR. The ESCP is to be developed by a Certified Professional in erosion and sediment control, and in accordance with the IECA Best Practice Erosion and Sediment Control Guidelines 2008. The plan should detail methods and treatments for minimising erosion and sediment loss from the site during the construction phase. Information regarding the ESCP content is available at www.austieca.com.au

4. Prior to the commencement of works (including site preparation), an updated water and sewer infrastructure Masterplan for the entire Zuccoli stage 1 Phase 3 development is to be submitted to and approved by the Power and Water Corporation, to the satisfaction of the consent authority.

GENERAL CONDITIONS

5. Works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.

6. Before the issue of Titles, the developer is to provide written confirmation (in the form of plans or drawings) demonstrating that all lots less than 600m2 for single dwellings allow for future vehicle access via a single driveway unrestricted by street infrastructure (including any power, water, sewer, or stormwater infrastructure) and that a 3.5m driveway can be located on each lot whilst ensuring that each lot's street frontage has a minimum continuous length of 6.5m, to the satisfaction of the consent authority.
7. 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 Environment and Natural Resources.

8. 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.

9. 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.

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

11. 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.

12. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, vehicular access, pedestrian/cycle corridors and streetscaping are to be to the technical requirements of City of Palmerston, to the satisfaction of the consent authority and all approved works constructed at the owner’s expense.

13. The developer must implement necessary measures to ensure mosquito breeding does not occur during the construction phase of the development, to the requirements of the Department of Health, to the satisfaction of the consent authority.

14. Dust control measures must be employed throughout the construction stage of the development to the requirements of the NT EPA, to the satisfaction of the consent authority.

15. The loads of all trucks entering and leaving the site of works are to be constrained in such a manner as to prevent the dropping or tacking of materials onto streets. This includes ensuring that all wheels, tracks and body surfaces are free of mud and other contaminants before entering onto a sealed road network to the requirements of the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics and/or the City of Palmerston as the case may be, 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 to determine the Corporation’s servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. Department of Environment and Natural Resources (DENR) advises that risks to biodiversity values occurring or likely to occur within or adjacent to the development area include the Howard River Toadlet Uperoleia daviesae (Vulnerable, TPWC Act). DENR recommends that targeted surveys should be conducted to clarify the presence of Uperoleia daviesae on the subject and adjacent land, and appropriate mitigation measures be developed should the species be found to be present in the area. For further please contact DENR.

3. There are statutory obligations under the Weeds Management Act to take all practical measures to manage weeds on the property. For advice on weed management please visit http://www.nt.gov.au/weeds or alternatively contact the Weed Management Branch of the Department of Environment and Natural Resources on (08) 8999 4567.

4. 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

5. 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.

6. The Northern Territory Environment Protection Authority has advised that the proponent must comply with their General Environment Duty provided by section 12 of the Waste Management and Pollution Control Act.

7. A “Permit to Work Within a Road Reserve” is required from the City of Palmerston before commencement of any work within the road reserve.

8. 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 89955354. The numbers shown on the plans endorsed as forming part of this permit are indicative only and are not for addressing purposes.

9. 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 account the planning scheme that applies to the land to which the application relates.

The proposed subdivision and Building Envelope Plan contain non-compliances in relation to lot sizes and required frontage widths as well as the overall proportion of required Lot types pursuant to Zone SP9 (Specific Use Zone 9 – Palmerston) in the Northern Territory Planning Scheme. The Authority considers the variation sought in relation to lot sizes and frontage widths relatively minor and unlikely to adversely affect the intended character and future amenity of Zone SP9 land. In relation to the required proportion of lots, the Authority notes that required proportion will be balanced out in future subdivision stages and is of the view that the proposed phase 3.3 subdivision has not restricted the potential for future stages to demonstrate a higher degree of compliance with the provisions outlined by Zone SP9.

2. 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.

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 is within Zone SP9 (Specific Use Zone 9 – Palmerston) and subject to Clause 14.5.1 (Palmerston Eastern Suburbs Planning Principles and Area Plans) of the Northern Territory Planning Scheme. The proposal is considered unlikely to adversely impact on the area or alter community expectations for the site (noting that the Zuccoli residential suburb is currently being developed and the level of amenity in the area is being established). The applicable Northern Territory Planning Scheme provisions seek to promote the best amenity outcomes for the future residents of the estate. Provided pedestrian and cycle corridors are established in appropriate locations and in a timely manner, and that site levels and associated stormwater drainage are appropriately managed, the proposed subdivision can achieve desired levels of residential amenity.

4. Pursuant to section 51(h) of the Planning Act, the Authority must take into account the merits of the proposed development as demonstrated in the application.
The proposal will increase housing availability and dwelling diversity for the first stage of Zuccoli as well as the broader Palmerston locality. The release of additional Lots will also support housing affordability initiatives and provide further opportunities for potential first home purchasers.

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

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

DENIS BURKE
Chairman

19/5/17