



**DEVELOPMENT CONSENT AUTHORITY**

**PALMERSTON DIVISION**

**MINUTES**

**MEETING No. 242 – WEDNESDAY 19 MAY 2021**

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

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

**APOLOGIES:** Nil

**LEAVE OF ABSENCE:** Nil

**OFFICERS PRESENT:** Margaret Macintyre (Secretary), Adelle Godfrey and Elissa Gee (Development Assessment Services)

**COUNCIL REPRESENTATIVES:** Damien Scalora

**Meeting opened at 9.30 am and closed at 10.45 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**

**PA2021/0077 SHOPPING CENTRE COMPRISING SHOPS, MEDICAL CLINIC AND FOOD PREMISES-RESTAURANT**

**LOT 11202 (1) LIND ROAD, JOHNSTON, TOWN OF PALMERSTON**

**APPLICANT** Rob Watt Designs

DAS tabled a response to submissions from the applicant's representative.

Mr Rob Watt (Rob Watt Designs – Applicant) sent his apologies as he is unable to attend and advised that Mr Israel Kgoisemang will attend the meeting on his behalf.

Mr Israel Kgoisemang (One Planning Consult) attended on behalf of the applicant.

Submitters in attendance:- Mr Trevor & Mrs June Wootton.

Mr Wootton tabled eleven further signatures.

**RESOLVED  
20/21**

That, the Development Consent Authority vary the requirements of Clause 5.2.7 (Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR) and Clause 5.5.12 (Shopping Centre) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act 1999*, consent to the application to develop Lot 11202 (1) Lind Rd, Johnston, Town of Palmerston for the purpose of a shopping centre comprising shops, medical clinic and food premises-restaurant 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 must be generally in accordance with the plans submitted with the application but modified to show:
  - (a) A pedestrian link from the building to Farrar Boulevard.
  - (b) Elevations of the proposed bin storage area to the north of the site.
  - (c) Two publicly accessible rubbish bin to be provided at each end of the building.
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a traffic impact assessment report is to be prepared by a suitably qualified traffic engineer, assessing impacts to existing street infrastructure from the proposed access location and the traffic impact on the adjoining Lind Road, to the requirements of the City of Palmerston, to the satisfaction of the consent authority.
3. Prior to endorsement of plans and prior to commencement of works (including site preparation), a waste management plan is to be prepared

containing swept path diagrams that demonstrate waste can be safely collected from the bin storage areas by waste removal vehicles, to the satisfaction of the consent authority.

#### **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. 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 the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
6. 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.
7. Engineering design and specifications for vehicular access and car parking, pedestrian/ cycle corridors, crossings and access points, and streetscaping and landscaping (includes irrigation), 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.
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. All works recommended by the traffic impact assessment are to be completed to the requirements 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 (this includes grassing the verge between the property boundary and the kerb);  
all to the technical requirements of and at no cost to the City of Palmerston, to the satisfaction of the consent authority.
11. Before the use or occupation of the development starts, the area 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.

12. 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.
13. The loading and unloading of goods from vehicles must only be carried out on the land within the designated loading bay and must not disrupt the circulation and parking of vehicles on the land.
14. "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.
15. Storage for waste disposal bins is to be provided to the requirements of City of Palmerston, to the satisfaction of the consent authority.
16. All air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner, to the satisfaction of the consent authority.
17. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the consent authority.
18. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the consent authority.
19. 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.
20. Before the use 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.
21. 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.

#### **NOTES:**

1. This development permit is not an approval to undertake building work. You are advised to contact a Northern Territory registered building certifier to seek a building permit as required by the Northern Territory Building Act 1993 before commencing any demolition or construction works.
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([waterdevelopment@powerwater.com.au](mailto:waterdevelopment@powerwater.com.au)) and Power Network Engineering Section ([powerdevelopment@powerwater.com.au](mailto:powerdevelopment@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.

3. Proposed signage may require a sign permit application. The application form can be found on the City of Palmerston website.
4. The development and use hereby permitted must be in accordance with Northern Territory legislation including (but not limited to) the *Building Act 1993*, the *Public and Environmental Health Act 2011* and the *Food Act 2004*.
5. 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>
6. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act 2005 must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email ([info@ntbuild.com.au](mailto:info@ntbuild.com.au)) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.

## REASONS FOR THE DECISION

1. Pursuant to section 51(1)(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The NT Planning Scheme 2020 applies to the land and a shopping centre requires consent under Clause 1.8 (When development consent is required). It is identified as *Impact Assessable* under Clause 4.11 – Zone C (Commercial), and therefore the strategic framework (Part 2 of the Scheme – Darwin Regional Land Use Plan and Palmerston Eastern Suburbs Area Plan), zone purpose and outcomes of Clause 4.11 (Zone C), and Clauses 5.2.1 (General Height Control), 5.2.4 (Vehicle Parking), 5.2.5 (Loading Bays), 5.2.6 (Landscaping), 5.2.7 (Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR), 5.3.7 (End of Trip Facilities in Zones HR, CB, C, SC and TC), 5.5.2 (Plot Ratios in Commercial Zones), 5.5.3 (Commercial and other Development in Zones HR, CV, CB, C, SC, TC, OR, CP and T) and 5.5.12 (Shopping Centre), need to be considered.

The proposal complies with Clause 4.11 – Zone C (Commercial), as it provides a mix of services and retail which will service the existing and future surrounding residential community. The development is relatively small-scale and is considered appropriate for the Johnston locality. The proposal is supported by the Darwin Regional Land Use Plan and the Palmerston Eastern Suburbs Area Plan, as the scale of the development is commensurate with a local centre which would

service the local catchment without detracting from the higher order commercial centres.

The relevant clauses have been considered and it is found that the proposal complies with the requirements of the Planning Scheme except for Clauses 5.2.7 (Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR) and 5.5.12 (Shopping Centre), to which variations are sought.

2. Pursuant to Clause 1.10 (Exercise of Discretion by the Consent Authority), subclause 5 of the NT Planning Scheme 2020, the consent authority may consent to a proposed development which is not in accordance with a requirement set out in Parts 3, 5 or 6 only if it is satisfied that the variation is appropriate having regard to:
  - (a) The purpose and administration clauses of the requirement; and
  - (b) The considerations listed under Clause 1.10(3) or 1.10(4).

The proposal has been found not to be in accordance with Clause 5.2.7 (Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR), because the proposal will result in a bin storage area set back 3.2m from the northern boundary, where the NTPS 2020 requires a 5m setback.

The proposal has also been found not to be in accordance with Clause 5.5.12 (Shopping Centre), as it proposes 46% of tenancies be made up of shops where 60% is required by the clause.

It is considered that a variation to these clauses is appropriate in this instance because:

- (a) The proposal is consistent with the purpose of Clause 5.2.7 (Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR), in that the reduced setback is unlikely to impact on the amenity of future residential uses immediately north of the site. A 1.8m high good neighbour privacy fence is proposed along the northern boundary which will limit views of the bin structure. Further, 3m of landscaping is proposed between the bin structure and the northern boundary which will further screen the bin structure from view. Administratively, the consent authority must not consent to a development that is not in accordance with sub-clause 3. This proposal complies with sub-clause 3 and seeks a variation to sub-clause 2.
- (b) The proposal is consistent with the purpose of Clause 5.5.12 (Shopping Centre), in that it provides an appropriate single-storey building design that will not cause any unreasonable loss of amenity for nearby or future residents. The 3m of landscaping provides a buffer between the development and the residential interfaces which will minimise potential adverse amenity impacts. The proposal provides convenient vehicle access to the local road network, and can provide acceptable pedestrian access if plans are amended to address the proposed condition precedent.

While the development proposes only 46% of tenancies be made up of shops, the food premises-restaurant benefits from interchangeable use rights, allowing it to change to a shop without consent. As such, if included in the calculation as a shop rather than a food premises-restaurant, the shopping centre provides 64% of tenancies as shops, which would comply.

- (c) The proposal supports the purpose and outcomes of Clause 4.11 – Zone C (Commercial), in that it provides a mix of services and retail which will service the existing and future surrounding residential community. The development is relatively small-scale and is considered appropriate for the Johnston neighbourhood centre.

The considerations listed under Clause 1.10(4) have been given regard to and it has been found that the proposal complies with all relevant requirements of the NT Planning Scheme 2020, except for Clauses 5.2.7 (Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR) and 5.5.12 (Shopping Centre), as identified above.

3. Pursuant to section 51(1)(j) of the *Planning Act 1999*, the consent authority must take into consideration the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.

The lot was created as part of Stage 2 of the Johnston residential subdivision in 2009 and identified as a commercial lot. The site has an area of 4670m<sup>2</sup>, is regular in shape and has street frontage to both Lind Road and Farrar Boulevard.

No land capability concerns were identified through the assessment of the application. Additionally, the Department of Environment, Parks and Water Security (DEPWS) did not identify any land capability concerns.

4. Pursuant to section 51(1)(n) of the *Planning Act 1999*, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated.

The submitted plans show that the building has been positioned along the eastern side of the site, facing away from land to the east within Zone MR (Medium-Density Residential). The single-storey building design includes a skillion roof and the façade incorporates multiple materials, as well as large glazed windows and doors. The skillion roof angles down toward the east, minimising building massing when viewed from the adjoining lot to the east. The primary building is set back 5m from the residential interfaces and includes a 3m landscaping buffer to these site boundaries. The proposal seeks a variation to the 5m setback only in respect to a bin storage area, which has been located 3.2m from the northern boundary to improve waste management functionality and is not expected to cause any adverse amenity impacts to the adjoining land.

The car parking area has been positioned away from the adjoining residential lot to the east, which may help to ensure that the proposed building acts as an acoustic screen to insulate carpark and business noise from the adjoining residential lot. The proposal also includes 1.8m high solid fencing along the northern and eastern boundaries which will help minimise views and noise.

5. Pursuant to section 51(1)(e) of the *Planning Act 1999*, the consent authority must take into consideration any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application.

Four public submissions were received during the exhibition period under Section 49 of the *Planning Act 1999* with respect to the proposal. One was a group submission on behalf of 61 residents whose names and contact details were provided. Mr and Mrs Wooten attended the meeting and Mr Trevor Wooten spoke to their submission. He also tabled an additional 11 signatures against the application which he had collected the day before the hearing. While these signatures were received outside the exhibition period they were noted by the Authority.

The Chair advised that the role of the consent authority was to apply the requirements of the *Planning Act 1999* and the *NT Planning Scheme 2020* to the development application before it and in the light of the zoning of the subject land. Many of the concerns raised were not matters regulated by the *Planning Act 1999*, including the need for the proposal, commercial competition and the sale of alcohol. Planning approval for the development application in no way approves the sale or service of liquor from any of the premises. Such matters would be subject to a separate and independent application under the provisions of the *Liquor Act 2019* and is beyond the jurisdiction of the consent authority.

However, the submissions also raised a number of potential amenity concerns, including increased litter, light and noise. Questions of the impact on amenity are matters that the consent authority must consider as mandated by Section 51 of the *Planning Act 1999*. The Act in Section 3 defines “amenity” as -

*‘amenity, in relation to a locality or building, means any quality, condition or factor that makes or contributes to making the locality or building harmonious, pleasant or enjoyable.’*

The Act requires that the consent authority must consider “the potential impact on the existing and future amenity of the area in which the land is situated”. The Authority acknowledges that the submissions raise issues that may impact on amenity, however concludes a shopping centre is an intended land use within Zone C (Commercial) and the development falls squarely within the intended zone outcomes. In response to the submissions, the Authority has included conditions on the development permit to mitigate potential amenity impacts on surrounding residents. A condition precedent has been included on the development permit requiring the applicant to provide rubbish bins for customer use. General conditions have also been included on the



development permit ensuring lighting is baffled, air conditioning condensers are appropriately screened and requiring landscaping be maintained for the life of the development.

Local and service authority comments were received from City of Palmerston and Power and Water Corporation. All recommended permit conditions and notes have been included on the development permit.

**FOR: 5**                      **AGAINST: 0**                      **ABSTAIN: 0**

**ACTION:**                      Notice of Determination

**ITEM 2**

**PA2020/0456**

**CLEARING OF NATIVE VEGETATION TO CREATE A SHARED PATH  
LOT 4250 (512) STUART HIGHWAY, JOHNSTON, TOWN OF PALMERSTON**

**APPLICANT**

Department of Infrastructure, Planning and Logistics

Mr David Cash and Ms Laura Proos (Department of Infrastructure, Planning and Logistics) attended.

**RESOLVED  
21/21**

That, the Development Consent Authority vary the requirements of Clause 5.8.9 (Excavation and Fill) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act 1999*, consent to the application to develop Section 4250 (512) Stuart Highway, Johnston, Town of Palmerston for the purpose of clearing of native vegetation to create a shared path 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 must be generally in accordance with the plans submitted with the application but modified to show:
  - (a) That hollow-bearing trees have been preserved, as far as possible.
  - (b) Fill areas and batters (excluding stable, bare rock) grassed via hydromulch application.

**GENERAL CONDITIONS**

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. 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.
4. Before the vegetation removal or soil disturbance starts, the boundaries of all vegetation stands to be removed and retained must be clearly marked

with flagging tape or temporary fencing to the satisfaction of the consent authority, on the advice of the Department of Environment, Parks and Water Security.

5. 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.
6. Appropriate erosion and sediment control measures are to be employed throughout the clearing and establishment phases to the satisfaction of the consent authority, including (but not limited to): measures to address seasonal timing of works and installation of erosion and sediment controls where appropriate. Information regarding erosion and sediment control is available on the NTG website at <https://nt.gov.au/environment/soil-land-vegetation>.
7. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to Transport and Civil Services Division (DIPL) as the case may be to the satisfaction of the consent authority.

#### NOTES:

1. For the purposes of best practice land management and environmental protection it is recommended that a **Type 1** Erosion and Sediment Control Plan (ESCP) be developed in accordance with the Department of Environment, Parks and Water Resources ESCP Standard Requirements 2019 available at <https://nt.gov.au/environment/soil-land-vegetation>. The ESCP should be prepared prior to commencement of works and implemented during the construction phase (including clearing and early works); and all disturbed soil surfaces should be satisfactorily stabilised against erosion at completion of works. For further advice, contact the Land Development Coordination Branch: (08) 8999 4404.
2. There are statutory obligations under the *Weeds Management Act 2001* to take all practical measures to manage weeds on the property. For advice on weed management please contact the Department of Environment, Parks and Water Security.
3. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([waterdevelopment@powerwater.com.au](mailto:waterdevelopment@powerwater.com.au)) and Power Network Engineering Section ([powerdevelopment@powerwater.com.au](mailto:powerdevelopment@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.
4. A "Permit to Work Within a Road Reserve" may be required from Transport Civil Services Division of the Department of Infrastructure, Planning and Logistics before commencement of any work within the road reserve.

#### REASONS FOR THE DECISION

1. Pursuant to section 51(1)(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The NT Planning Scheme 2020 applies to the land and clearing of native vegetation and excavation and fill to create a shared path requires consent under Clause 1.8 (When development consent is required). It is identified as *Impact Assessable* under Clauses 1.8(1)(c)(i) and 3.1(4)(c). Therefore under Clause 1.10(4) the strategic framework (Part 2 of the Scheme, including the Palmerston Eastern Suburbs Area Plan, which is relevant to this application), zone purpose and outcomes of Clause 4.23 (Zone CN – Conservation), Clause 3.2 (Clearing of Native Vegetation), and Clause 5.8.9 (Excavation and Fill), need to be considered.

These clauses have been considered and it is found that the proposal complies with the relevant requirements of the Planning Scheme except for requirement 3 of Clause 5.8.9 (Excavation and Fill). The proposal is considered to support the purpose and outcomes of Clause 4.23 – Zone CN (Conservation), as the shared path has been located to minimise the extent of clearing required, therefore conserving the flora, fauna and character of the site.

2. Pursuant to Clause 1.10 (Exercise of Discretion by the Consent Authority), subclause 5 of the NT Planning Scheme 2020, the consent authority may consent to a proposed development which is not in accordance with a requirement set out in Parts 3, 5 or 6 only if it is satisfied that the variation is appropriate having regard to:
  - (a) The purpose and administration clauses of the requirement; and
  - (b) The considerations listed under Clause 1.10(3) or 1.10(4).

The proposal has been found not to be in accordance with requirement 3 of Clause 5.8.9 (Excavation and Fill), as the applicant has not provided a detailed hydrological assessment of potential upstream and downstream impacts of the excavation and filling.

It is considered that a variation to this clause is appropriate in this instance because:

- (a) The proposal is consistent with the purpose of Clause 5.8.9 (Excavation and Fill), in that it is not anticipated that the proposed excavation and fill will adversely affect adjacent land. The excavation and fill facilitates the construction of permanent drainage infrastructure to support the shared path and ensure that stormwater can be managed without impacting on adjoining land. The excavation and fill will provide a level surface so that sheet flow from upslope is evenly transferred into the proposed table drain. Administratively, the consent authority may consent to a use or development that is not in accordance with sub-clauses 2-5 only if it is satisfied it is consistent with the purpose of this clause and the zone purpose and outcomes, and it is appropriate to the site. This proposal results in excavation of 796 cubic metres and filling of 465 cubic metres to create a shared path and associated drainage infrastructure. The proposal is considered consistent with the

purpose and outcomes of Zone CN (Conservation), in that the shared path has been designed and located to minimise the extent of clearing of native vegetation and conserve and protect the flora, fauna and character of the area.

(b) The considerations listed under Clause 1.10(4) have been given regard to and it has been found that the proposal complies with all relevant requirements of the NT Planning Scheme 2020, except for Clause 5.8.9 (Excavation and Fill), as identified above.

3. Pursuant to section 51(1)(j) of the *Planning Act 1999*, the consent authority must take into consideration the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.

The Land Capability Assessment concluded that the site was moderately suitable (Land Capability Class 2) for the shared path works with the main constraint identified being slope (1-3% at the site of works). The slope constraint is to be managed by permanent stormwater management infrastructure, and grass hydromulching of fill areas and batters. A general condition has been included on the development permit requiring erosion and sediment control measures to be implemented.

4. Pursuant to section 51(1)(n) of the *Planning Act 1999*, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated.

The proposal is not anticipated to result in any adverse impacts on the existing or future amenity of the area. There are no sensitive land uses in the immediate vicinity of the works. The construction of the public shared path will facilitate better pedestrian and bicycle access for surrounding residents and school children.

5. Pursuant to section 51(1)(e) of the *Planning Act 1999*, the consent authority must take into consideration any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application.

Two public submissions were received under section 49 which raised a number of concerns relating to the impact on native fauna and potential introduction of rubbish into the remnant bushland area. While concerns raised regarding environmental issues have been acknowledged, the Authority sought technical advice from the Department of Environment, Parks and Water Security and included conditions on the permit as requested by this agency.

Local and service authority comments were received from City of Palmerston, Power and Water Corporation, Transport and Civil Services Division of DIPL and Department of Environment, Parks and Water Security. All recommended permit conditions and notes have been included on the development permit.

The Flora and Fauna Division of DEPWS requested the applicant to consider amending the design of the proposal to retain the six hollow-bearing trees. A condition precedent has been included on the development permit requiring amended plans that demonstrate that hollow-bearing trees have been preserved as far as possible.

**FOR: 5**

**AGAINST: 0**

**ABSTAIN: 0**

**ACTION:**

Notice of Consent and Development Permit

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

**SUZANNE PHILIP**  
Chair

**21st May 2021**