

DEVELOPMENT CONSENT AUTHORITY

PALMERSTON DIVISION

MINUTES

MEETING No 168 – WEDNESDAY 22 OCTOBER 2014

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

MEMBERS PRESENT: Grant Tambling (Deputy Chairman), Steve Ward, Paul Bunker and Andrew Byrne

APOLOGIES: Denis Burke (Chairman)

OFFICERS PRESENT: Margaret Macintyre (Secretary), George Maly, Deborah Curry and Leonie Hill (Development Assessment Services)

COUNCIL REPRESENTATIVE: Wendy Smith (Items 2 & 3 only)

Meeting opened at 9.45 am and closed at 11.00 am

THE MINUTES RECORD OF THE EVIDENTIARY STAGE AND THE DELIBERATIVE STAGE ARE RECORDED SEPARATELY. THESE MINUTES RECORD THE DELIBERATIVE STAGE. THE TWO STAGES ARE GENERALLY HELD AT DIFFERENT TIMES DURING THE MEETING AND INVITEES ARE PRESENT FOR THE EVIDENTIARY STAGE ONLY.

ITEM 1 **SUBDIVISION TO CREATE 218 LOTS**
PA2014/0673 **PART LOT 11821 KOOYONGA PARADE & PART LOT 12402 DURACK, TOWN OF**
 PALMERSTON
APPLICANT **ELTON CONSULTING**

Ms Wendy Smith (Elton Consulting) attended.

RESOLVED That the Development Consent Authority vary the provisions of Clause 11 of the SP8
192/14 (Specific Use Zone Palmerston No. 8), and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Part Lots 11821 Kooyonga Parade and 12402 Durack, Town of Palmerston for the purpose of a subdivision to create 218 lots in 5 stages incorporating as the first phase a subdivision to create 218 lots and as a second phase the development of the land in accordance with the detailed land use plan indicating the proposed use, plan(s) indicating minimum building setbacks for each lot and a land and a house package design for each integrated housing lot with an area of 250m² to 299m², subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the commencement of works an Erosion and Sediment Control Plan (ESCP) is developed by a suitably qualified and experienced professional in erosion and sediment control planning and subsequently approved and implemented to the satisfaction of the consent authority in accordance with the IECA Best Practice Erosion and Sediment Control Guidelines 2008 www.austieca.com.au. The plan should detail methods and treatments for minimising erosion and sediment loss from the site during both the construction and operational phases. Erosion and sediment control information can also be sourced from the Department's website: <http://lrm.nt.gov.au/soil/managment>.

GENERAL CONDITIONS

2. Works carried out under this permit shall be in accordance with the drawings numbered 2014/0673/1 through to 2014/0673/41 endorsed as forming part of this permit.
3. 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.
4. 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.

5. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for approval by the Surveyor General.
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. Stormwater drainage shall be wholly contained within the site and discharged into the local stormwater system to the standards and approval of Road Network Division and/or City of Palmerston. All proposed lots fronting Roystonea Avenue shall be graded such that the stormwater run-off 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.
8. 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.
9. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
10. Where unfenced, the Roystonea 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.
11. All proposed work (including provision of services) within, or impacting upon the Roystonea Avenue, University Avenue or Tiger Brennan Drive Road reserves shall be designed, supervised and certified on completion by a practicing and registered civil engineer, and shall be in accordance with the standards and specifications of the Chief Executive, 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".
12. 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.

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. 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.
3. The NT Environment Protection Agency advises that construction work should be conducted in accordance with the Agency'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. 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.
5. 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.
6. 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.
7. 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*.

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 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 the development of stage 9 in accordance with the objectives of the zone as a the subdivision layout provides for housing choices through a range of lot sizes and housing types and includes open space and community uses.

2. A variation to clause 11 (Building Setbacks) of zone SP8 of the Scheme to allow lots 437, 443, 449, 457, 462, 463, 468, 475, 476, 483, 492, 506, 514 and 516 to have a primary street frontage of 2.5m where 4.5m is required and a secondary street frontage of 4.5m where 2.5m is required is granted as:

- It will enable streets with 2 – 3 dwellings to be uniform in design;
- Enable additional surveillance of public areas and pedestrian walkways;
- The impact of fencing on the streetscape will be minimised; and
- The proposal is consistent with previous stages of the Heights Durack as variations to the setback regime in the immediate area have already been granted for stages 4 – 9.

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 Land Resource Management, 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 2 **SUBDIVISION TO CREATE 1 LOT**
PA2014/0558 **LOT 4251 (575) ROYSTONEA AVENUE, TOWN OF PALMERSTON**
APPLICANT **LAND RELEASE LAND AND ECONOMIC DEVELOPMENT**

The applicant did not attend.

**RESOLVED
193/14**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 4251 (575) Roystonea Avenue, Town of Palmerston for the purpose of a subdivision to create 1 lot, subject to the following conditions:

GENERAL CONDITIONS

1. Works carried out under this permit shall be in accordance with the drawing numbered 2014/0558/01 endorsed as forming part of this permit.
2. 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.
3. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities and electricity services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. All proposed roads to be created on the plan of subdivision submitted for approval by the Surveyor General must be dedicated to the relevant Northern Territory or local government authority.

NOTES:

1. This permit will expire if one of the following circumstances applies:
 - (a) the use is not started within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.The consent authority may extend the periods referred to if a request is made in writing before the permit expires.
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
3. A "Permit to Work Within a Road Reserve" may be required from the Department of Infrastructure before commencement of any work within the road reserve.
4. The permit holder is advised that the proposal may have assessment implications under the Commonwealth *Environment Protection and*

Biodiversity Conservation Act, contact the Commonwealth Department of Environment, Water, Heritage and the Arts on (02) 6274 1111

5. Areas within the current proposal and adjacent phases of Zuccoli support sensitive or significant wetland vegetation associated with the Mitchell and Brooking Creek drainage systems. This vegetation is listed under the NT Planning Scheme.

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.

A variation to Clause 11.1.1 of the NT Planning Scheme is granted as the proposal is for administrative purposes which seek to create a development parcel for future development.

The proposed subdivision is generally consistent with the current Palmerston Eastern Suburbs Area Plan as it will facilitate an area for future residential subdivision that will provide compact, accessible and walkable future neighbourhoods that are safe and foster a sense of community and local identities. The Area Plan identified the subject area as 'Urban Residential' and being suitable for residential, commercial and community purposes, with open space areas incorporating drainage.

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.

The proposed lot is outside of the flood prone areas and the Q100 predicted areas. The majority of the proposed lot are located within open woodland with gradual slopes of less than 5%. The Department of Land Resource Management has identified the area as having the potential for high biodiversity, further studies will be required as part of future residential subdivisions.

Provided stormwater flows and quality and the associated sediment displacement and erosion are effectively controlled, and appropriate studies are done regarding the biodiversity, the land is considered capable of accommodating the subdivision as proposed.

ACTION: Notice of Consent and Development Permit

**ITEM 3
PA2014/0626
APPLICANT**

**SUBDIVISION TO CREATE 58 LOTS
LOT 12087 ZUCCOLI, TOWN OF PALMERSTON
THE PLANNING GROUP WA PTY LTD**

Mr Lyle Robertson (Director NS Projects) attended.

**RESOLVED
194/14**

That the Development Consent Authority vary the requirements of Clause 11.2.2 (Infrastructure and Community Facilities in Residential Subdivision) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 12087, Town of Palmerston for the purpose of subdivision to create 53 residential lots and 1 public open space lot, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of works an Erosion and Sediment Control Plan (ESCP), including details and location of stormwater drains, is to be prepared by an independent suitably qualified professional and submitted to and approved by the consent authority on the advice of the Department of Land Resource Management, and an endorsed copy of the Plan will form part of this permit. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the satisfaction of the consent authority. The Department of Land Resource Management advises that 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.
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation) a revised plan is to be submitted to and approved by the consent authority demonstrating that all lots within Stage 2B are intended to be Zone MD (Multiple Dwelling) of the NT Planning Scheme.
3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation) written endorsement is required from the City of Palmerston confirming that all roads within stage 2B of the Zuccoli Residential Subdivision are capable of meeting Council's requirements to the satisfaction of the consent authority.

GENERAL CONDITIONS

4. Works carried out under this permit shall be in accordance with the drawing endorsed as forming part of this permit.
5. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for approval by the Surveyor General.
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. 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.
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 and/or the Department of Lands, Planning and the Environment as the case may be to the satisfaction of the consent authority.
9. Before the issue of titles, firebreaks along boundaries or at appropriate locations shall be provided to the satisfaction of the consent authority on advice from the Northern Territory Fire and Rescue Services.
10. 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 and/or the Department of Transport and/or the Department of Health to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
11. All proposed work affecting the Lambrick Avenue road reserve is to be designed, supervised and certified on completion by a Chartered Professional Civil Engineer in accordance with the standards and specifications of the Department of Transport to the satisfaction of the consent authority.
12. All proposed roads to be created on the plan of subdivision submitted for approval by the Surveyor General must be dedicated to the relevant Northern Territory or local government authority.
13. Design specifications for stormwater treatment is to be to the technical standards and at no cost to the City of Palmerston and/or the Department of Lands, Planning and the Environment on the advice of the Department of Health (Medical Entomology Branch) to the satisfaction of the consent authority.

NOTES:

1. This permit will expire if one of the following circumstances applies:
 - (a) the use is not started within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.The consent authority may extend the periods referred to if a request is made in writing before the permit expires.
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction

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

3. A "Permit to Work Within a Road Reserve" may be required from the Department of Infrastructure before commencement of any work within the road reserve.
4. 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.
5. All new roads are required to be named under the *Place Names Act*. You should immediately make application to the Place Names Committee to commence the road naming process. Contact the Place Names Unit on 8995 5333 or placenames.dpi@nt.gov.au. Further information can be found at <http://www.placenames.nt.gov.au>.
6. The Department of Land Resource Management (DLRM) advises that the development area and surrounding land supports a population of threatened shrub *Atalaya brevialata* and the Howard River Toadlet (*Uperoleia daviesae*) both of which are respectively listed as critically endangered and vulnerable under the Environment Protection and Biodiversity Conservation Act. DLRM recommends that targeted surveys should be conducted at appropriate times of the year to clarify the presence of *Atalaya brevialata* and *Uperoleia daviesae* on the subject and adjacent land and an appropriate mitigation measures be developed should either of these species be found to be present in the area.
7. The layout and the use as shown on the endorsed plans must not be altered without the further consent of the consent authority.

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 site is located within areas designated as urban residential under the Palmerston Eastern Suburbs Area Plan. The purpose of the application is to create 53 residential lots and 1 public open space lot. It is therefore considered that the proposal is consistent with the intended future use of the land.

2. A variation to Clause 11.2.2 (Infrastructure and Community Facilities in Residential Subdivisions) of the Northern Territory Planning Scheme to allow less than 10% public open space is granted as:
 - stage 2 of the overall subdivision will have an area of 10%;
 - dwellings within Stage 2B will be within 400 metres of the park; and


- a significant portion of Lot 12087 will be retained for open space in accordance with the Palmerston Eastern Suburbs Area Plan.
3. Pursuant to Section 51(j) of the *Planning Act*, the consent authority must take into consideration the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.

Provided that:

- an Erosion and Sediment Control Plan is implemented;
- stormwater flows and quality and the associated sediment displacement and erosion is effectively controlled; and
- modifications are made to the existing sub-soil conditions to raise the capability of the soils so that the land is considered capable of accommodating residential subdivision as proposed.

ACTION: Notice of Consent and Development Permit

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


GRANT TAMBLING
Delegate

27 /10/14

