

## DEVELOPMENT CONSENT AUTHORITY

### PALMERSTON DIVISION

### MINUTES

**MEETING No 184 – WEDNESDAY 27 JANUARY 2016**

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

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

**APOLOGIES:** Nil

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

**COUNCIL REPRESENTATIVE:** Gerard Rosse

**Meeting opened at 10.15 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**                    **RECONSIDERATION – SUBDIVISION TO CREATE 205 RESIDENTIAL LOTS AND 1**  
**PA2015/0713**           **PUBLIC OPEN SPACE LOT IN 3 STAGES AND A SIDE SETBACK PLAN (ZUCCOLI 3**  
                                 **/ 4 SUB-STAGE 2)**  
                                 **LOT 123432 ZUCCOLI PARADE & LOT 4251 (575) ROYSTONEA AVENUE, TOWN**  
                                 **OF PALMERSTON**  
**APPLICANT**           **MASTERPLAN**

DAS tabled a Zone layout plan for Zuccoli stages 3 and 4 dated May 2015.

Mrs Linda Henning (Masterplan NT), Mr Mike Schokman and Mr Hermanus Low (both Costojic Pty Ltd), Ms Fiona Eddelston & Mr Carl Wilkinson (both SMEC Australia Pty Ltd) attended.

Mrs Henning tabled a photo showing an indication of the siting of wheelie bins.

**RESOLVED**            That, pursuant to section 53(a) of the *Planning Act*, the Development Consent  
**07/16**                    Authority consent to the application to develop Lot 12432, Town of Palmerston for  
                                 the purpose of a subdivision to create 206 residential lots, 1 public open space lot  
                                 plus the remaining balance area in 3 stages, subject to the following conditions:

**CONDITION 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 either two copies must be provided or they must be submitted electronically. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - a) An amended Landscape Master Plan (for endorsement) which identifies in greater detail:
    - a. Areas of Public Open Space which are unencumbered by drains and containing flat areas for informal recreation;
    - b. The proposed paths, playground equipment, family parks, active play space etc. associated with the Public Open Space areas,
  - b) Written confirmation from the City of Palmerston that the Public Open Space areas detailed on the Landscape Master Plan are consistent with the technical requirements of the City of Palmerston, and
  - c) Any other changes required to the subdivision and building setback plans to ensure the Public Open Space areas are identified consistently over all of the plans.
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 and/or the Department of Lands, Planning and the Environment and/or the Department of Transport (where it impacts on the Southern Connector Road road reserve) as the case may be, (following consultation with the Department of Health, Medical Entomology) to the satisfaction of the consent authority. The plan shall also 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 Council's and/ or the Department of Lands, Planning and the Environment's and/or Department of Transport's stormwater drain connection point/s, and shall also indicate how stormwater will be collected on the site and discharged to Council's and/or the Department of Lands, Planning and the Environment's and/or Department of Transport's drainage system.

3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a site earthworks plan indicating finished levels of all proposed lots is to be submitted to and approved by the City of Palmerston to the satisfaction of the consent authority. All cut and fill works are to be designed to eliminate the need for excessive cut/fill/retaining wall works for the proposed lots.
4. Prior to the commencement of works (including site preparation), an updated water and sewer infrastructure master plan for the entire Zuccoli Stage 3&4 development is to be submitted to and approved by the Power and Water Corporation, to the satisfaction of the consent authority.
5. Prior to the commencement of works, an Erosion and Sediment Control Plan (ESCP), is to be submitted to and approved by the consent authority on the advice of the Department of Land Resource Management, and an endorsed copy of the Plan will form part of this permit. 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 ESCP content is available at [www.austieca.com.au](http://www.austieca.com.au) and the DLRM website at <http://lrm.nt.gov.au/soil/management>.
6. Prior to the commencement of works, a Construction Traffic Management Plan is to be submitted to and approved by the Department of Transport. The Construction Traffic Management Plan is to detail all appropriate site management measures including construction access, proposed haulage routes, vehicle types, protection of existing assets, protection of public access and a risk assessment.
7. Prior to the commencement of works, clarification shall be obtained from the Department of Transport in relation to the requirement for noise attenuation measures to be provided in association with this development, to the satisfaction of the consent authority. All works confirmed to be required by the

Department of Transport shall be carried out in accordance with General Condition 12 of this permit.

## **GENERAL CONDITIONS**

8. Works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
9. 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 600m<sup>2</sup> for single dwellings allow for future vehicle access via a single driveway unrestricted by street infrastructure (including any power, water, sewer or stormwater infrastructure) which demonstrates a 3.5 metre driveway can be located on each lot to ensure that the each lot's street frontage has a minimum continuous length of 6.5m, to the satisfaction of the consent authority.
10. All proposed works (including the provision or connection of services) within, or impacting on the Southern Connector Road road reserves 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 Department of Transport. Drawings must be submitted to the Transport Infrastructure planning Division for approval and no works are to commence prior to gaining road agency approval.
11. The installation of any services, service crossings or service connections within the Southern Connector Road road reserve is subject to Transport Infrastructure Planning Division, Department of Transport approval.
12. Where unfenced, the proposed Southern Connector Road 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.
13. The developer shall have carried out, all appropriate noise attenuation measures to the requirements of the Department of Transport to the satisfaction of the consent authority. 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.
14. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the requirements of the consent authority, upon the advice of the Department of Land Resource Management.
15. 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.

16. 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.
17. 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.
18. 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 and/or the Department of Transport as the case may be to the satisfaction of the consent authority.
19. Site earthworks are to be carried out to the requirements of the City of Palmerston, to the satisfaction of the consent authority.
20. 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.
21. 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 the Department of Lands, Planning and the Environment or City of Palmerston as the case may be to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
22. 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.
23. 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 Department of Transport and/or the City of Palmerston to the satisfaction of the consent authority.
24. The subdivision must proceed in the order of stages as shown on the endorsed plan unless otherwise agreed in writing by 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](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto: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](mailto:placenames.dpi@nt.gov.au). Further information can be found at <http://www.placenames.nt.gov.au>.
6. There are statutory obligations under the *Weeds Management Act* to take all practical measures to manage declared weeds on the property. For advice on weed management please contact the Department of Land Resource Management.
7. The Department of Land Resource Management (DLRM) advises that risks to biodiversity values occurring or likely to occur within the development area include the shrub *Atalaya brevialata* (Critically Endangered, *Environment Protection and Biodiversity Conservation Act*) and the Howard River Toadlet *Uperoleia daviesae* (Vulnerable, *Territory Parks and Wildlife Conservation Act*). DLRM recommends targeted surveys be conducted at appropriate times of the year (wet season) to clarify the presence of *Atalaya brevialata* and *Uperoleia daviesae* on the subject land and an appropriate mitigation measures be developed should either of these species be found to be present in the area. For further advice please contact the Department of Land Resource Management.

## 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 206 residential lots, 1 public open space lots plus the remaining balance area. The application

proposes a fairly compact residential subdivision as required by the area plan, with a range of allotment sizes between 305m<sup>2</sup> and 1159m<sup>2</sup> proposed. The lot sizes are considered to be of a size capable of accommodating potential future uses in accordance with the requirements of the Northern Territory Planning Scheme and therefore consistent with the intended future use of the land. Furthermore, the proposal generally complies with the relevant provisions of the Northern Territory Planning Scheme.

2. Pursuant to section 51(e) of the *Planning Act*, the consent authority must take into account any submissions made under section 49 in relation to the development application. One submission was received which raised concerns with the proposal, particularly in regard to the mix of lot sizes, stormwater infrastructure design, and compliance with the Palmerston Eastern Suburbs Planning Principles and Area Plan.

The lot sizes proposed by the subdivision are considered to be of a size capable of accommodating potential future uses in accordance with the requirements of the NTPS. The consent authority acknowledges that the housing type provided for in sub-stage 2 is predominantly for single dwellings, but considered in context with the overall subdivision, which includes a higher proportion of lots for multiple dwellings and medium density development, there is considered to be an adequate mix of housing types, and therefore consistent with the intended future use of the land as outlined in the Palmerston Eastern Suburbs Planning Principles and Area Plan.

3. Pursuant to section 51(j) of the *Planning Act*, the consent authority must take into account 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. In addition, pursuant to section 51(m) of the *Planning Act*, the consent authority must take into account the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer.

The Department of Land Resource Management advises that the site is not affected by either storm surge or riverine flooding, and has no objection to the proposal subject to an Erosion and Sediment Control Plan being developed by a suitably qualified and experienced professional. Precedent and general conditions on the development permit require erosion and sediment control plan and a schematic stormwater management plan. It is anticipated that these measures, combined with standard conditions relating to the connection and upgrade of utility services, are expected to ensure that the land is developed in accordance with physical capabilities; address concerns raised by service authorities; and, ensure utility and infrastructure requirements are appropriately addressed.

4. 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 FD (Future Development) and subject to Clause 14.5.1 (Palmerston Eastern Suburbs Planning Principles and Area Plans) of the NT Planning Scheme. The proposal generally accords with the layout depicted within the Area Plan and is considered unlikely to adversely impact on the area or alter community expectations for the site. Overall, the Zuccoli residential suburb is currently being developed and the amenity of the area is being established. The relevant area plan, zoning provisions and the application all 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 provided that site levels and associated stormwater drainage is appropriately managed the proposed subdivision will achieve appropriate levels of residential amenity.

5. The requirement for an amended Landscape Master Plan (for endorsement) will ensure that the subdivision complies with the requirements of Clause 11.2.2(f) of the NT Planning Scheme. It will also ensure that future residents of the subdivision (in particular those who purchase small lots) are provided with a high level of recreational amenity.

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

**RESOLVED**  
**08/16**

That, the Development Consent Authority vary the requirements of Clause 7.3.3 (Reduced Setbacks for Single Dwellings on Lots less than 600m<sup>2</sup> but not less than 300m<sup>2</sup>) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application to develop Lot 12432, Town of Palmerston for the purpose of a building setback plan, subject to the following conditions:

#### **GENERAL CONDITIONS**

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

#### **REASON FOR THE DECISION**

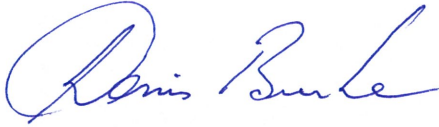
A variation to clause 7.3.3 (Side Setbacks for Single Dwellings on Lots less than 600m<sup>2</sup> but not less than 300m<sup>2</sup>) of the Northern Territory Planning Scheme is granted as the as the building setback plan is considered to be integrated and therefore consistent with Practice Direction No. 1 issued



by the Palmerston Division of the Development Consent Authority on 21 October 2015.

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

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



**DENIS BURKE**  
Chairman

29/1/16

