



DEVELOPMENT CONSENT AUTHORITY

PALMERSTON DIVISION

MINUTES

MEETING No. 203 – WEDNESDAY 18 OCTOBER 2017

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

MEMBERS PRESENT: Suzanne Philip (Chair), Bob Flanagan, Paul Bunker and Andrew Byrne

APOLOGIES: Steve Ward

OFFICERS PRESENT: Ayla McGavin (A/Secretary), Joseph Sheridan and Alexandra Tobin (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 9.45 am and closed at 10.30 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 **PART CHANGE OF USE FROM CARETAKER'S RESIDENCE TO LIGHT
INDUSTRY INCLUDING ALTERATIONS AND ADDITIONS (UNIT 7)**
PA2017/0398 **LOT 8557 (22) MCCOURT ROAD TOWN OF PALMERSTON**
APPLICANT **CHRISTOPHER CHEUNG**

No attendees.

RESOLVED
61/17

That, the Development Consent Authority, determine to reduce the car parking requirements pursuant to clause 6.5.2 (Parking Requirements) of the Northern Territory Planning Scheme, and pursuant to section 53a, consent to the proposed development to develop Lot 8557 (22 McCourt Road), Town of Palmerston, for the purpose of a part change of use from caretaker's residence to light industry including alterations and additions (Unit 7), subject to the following conditions:

GENERAL CONDITIONS

1. Works carried out under this permit shall be in accordance with the drawings 2017/0398/01 to 2017/0398/04 endorsed as forming part of this permit.
2. The use of Unit 7 is limited to one staff member or the person residing in the caretaker's residence (as the case may be).
3. 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.
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. 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.
6. Storage for waste disposal bins is to be provided to the requirements of City of Palmerston to the satisfaction of the consent authority.

NOTES

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

2. 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.
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. The Northern Territory Environment Protection Authority advises that the developer should consider the General Environment Duty provided by section 12 of the Waste Management and Pollution Control Act.

REASONS FOR THE RECOMMENDATION

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

The proposal is consistent with the relevant provisions of the Northern Territory Planning Scheme that apply to development in Zone SC (Service Commercial). The proposal is also considered unlikely to prejudice the future development of adjacent Zone SC in accordance with the purpose of the zone which is to 'provide for commercial activities which because of the nature of their business or size of the population catchment require large sites'.

2. Pursuant to clause 6.5.2 (Reduction in Parking Requirements) of the Northern Territory Planning Scheme, a reduction of 2 bays is granted for the following reason:
 - The applicant has stated that the nature of the light industry use is such that only one person is required to access the site. On this basis, condition 2 has been included on the permit to ensure that car parking does not adversely affect adjacent units and the broader locality
3. Pursuant to section 51 (m) of the Planning Act, the consent authority must consider 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 for that purpose.

The application has been circulated to the relevant service authorities and all issues raised are capable of being addressed (including car parking) provided development proceeds in accordance with the conditions included on the permit.

ACTION: Notice of Consent and Development Permit

ITEM 2 **CHANGE OF USE FROM SHOP TO MEDICAL CLINIC (DENTAL CLINIC - TENANCY 28A)**
PA2017/0395 **LOTS 11307, 7765 & 7766 (11, 5 & 15) YARRAWONGA ROAD TOWN OF PALMERSTON**
APPLICANT **BRADLEY CUNNINGTON**

Brad Cunnington (applicant) and Xristos Anictomatis (Contractor) attended.

RESOLVED That, the Development Consent Authority grant a reduction to Clause 6.5.2
62/17 (Reduction in Parking Requirements) of the Northern Territory Planning Scheme from 20 to 9 car parking spaces (a shortfall of 11), and pursuant to section 53(a) of the Planning Act, consent to the proposed development to develop Lot 11037, Lot 7765 and Lot 7766 (11, 5 and 15) Yarrowonga Road, Town of Palmerston for the purpose of a change of use from shop to medical clinic (Dental Clinic - Tenancy 28A) subject to the following conditions:

CONDITIONS

1. Works carried out under this permit shall be in accordance with the drawings numbered 2017/0395/01 through to 2017/0395/04 endorsed as forming part of this permit.
2. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, and electricity facilities to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
3. Storage for waste disposal bins is to be provided to the requirements of the City of Palmerton to the satisfaction of the consent authority.
4. The use and development as shown on the endorsed plans must not be altered without further consent of the consent authority.

NOTES

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

REASONS FOR THE RECOMMENDATION

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

The proposal is consistent with the primary purpose of Zone SC (Service Commercial) as the medical clinic use is of a scale and character appropriate to the service function of the centre and the development is unlikely to impact the amenity of adjacent and nearby uses.

2. A reduction in parking required by Clause 6.5.1 (Parking Requirements) of the Northern Territory Planning Scheme through the provisions of Clause 6.5.2 (Reduction in Parking Requirements) from 20 car parking spaces to 9 car parking spaces (a shortfall of 11 car parking spaces) is granted as:
 - The Authority considers that the use of the tenancy as a 'Dental Clinic' is less intensive when compared to a typical 'Medical Clinic' which is likely to attract higher visitation rates and subsequently have a greater impact on available car parking, and;
 - The Authority acknowledges that the mix of existing and proposed uses will have different peak demand periods and that multi-purpose trips will also help alleviate demand for available car parking. On this basis, the proposed change of use (in isolation) is unlikely to create a situation where the demand for car parking on site exceeds the availability.
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 potential impact of the shopping centre on the existing and future amenity of the area was determined by Development Permit DP14/0886 and DP15/0437. The proposed change of use do not alter the development in any significant way and do not introduce any incompatible uses on the site, thus there is considered to be a minimal impact to the existing and future amenity of the area.

ACTION: Notice of Consent and Development Permit

ITEM 3
PA2017/0414
APPLICANT

SUBDIVISION TO CREATE 99 LOTS - ZUCCOLI PHASE 3.4
LOT 14824 ZUCCOLI TOWN OF PALMERSTON
BRADLEY CUNNINGTON

Brad Cunnington (applicant) and Tim Bycroft (Urbex Pty Ltd) attended.

RESOLVED
63/17

That, pursuant to section 53(a) of the Planning Act, the Development Consent Authority consent to the application to develop Lot 14824, Town of Palmerston, for the purpose of a subdivision to create 99 lots –Zuccoli Phase 3.4, subject to the following conditions.

CONDITIONS PRECEDENT

1. 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 connection 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 (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.
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). The ESCP must be developed by a Certified Professional in Erosion and Sediment Control (CPESC) and in accordance with the Key Principals of erosion and sediment control as specified in the IECA Best Practice Erosion and Sediment Control Guidelines 2008. The ESCP should detail methods and treatments for minimising erosion and sediment loss from the site during the construction phase and that all disturbed soil surfaces must be satisfactorily stabilised against erosion at completion of works. Information regarding erosion and sediment control and ESCP content is available at www.austieca.com.au and the NTP website: <https://nt.gov.au/environment/soil-land-vegetation>. The ESCP should be emailed for assessment to: DevelopmentAssessment.DENR@nt.gov.au

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. 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.
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. All works relating to this permit are to be undertaken in accordance with the approved Erosion and Sediment Control Plan (ESCP) to the requirements of the Consent Authority on the advice of the Department of Environment and Natural Resources (DENR).
11. 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 Roystonea 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.

12. 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.
13. 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.
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 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.

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. 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 Developer, his Contractor or Service Provider is required to obtain a "Permit to Work within a Road Reserve" from the City of Palmerston before the commencement of any work within the road reserve.
8. 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.
9. The Department of Environment and Natural Resource advise that the subdivision supports populations of the threatened Darwin Cycad, *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 RECOMMENDATION

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

The proposal is generally in accordance with the requirements of Zone SP9 (Specific Use 9) and the requirements of Clause 14.5.1 (Palmerston Eastern Suburbs Planning Principles and Areas Plans) as the proposal presents a compact walkable urban residential subdivision with lot sizes for single dwellings ranging from 421m² to 921m² which are considered to be of a size and configuration capable of accommodating potential future uses with the requirements of the Scheme. Therefore, it is considered that the proposed subdivision is consistent with the intended future use of the land and achieves the requirements of the Scheme.

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

Provided that stormwater 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.

3. Pursuant to section 51(k) of the Planning Act, the consent authority must take into consideration the public facilities or public open space available in the area in which the land is situated and the requirement, if any, for the facilities, or land suitable for public recreation, to be provided by the developer.

The proposed subdivision for the subdivision of Phase 3.4 does not include areas of public open space. However, plans submitted as part of the application indicate pedestrian and bicycle linkages to larger public open spaces proposed as part of future phases of Zuccoli Stage 1 Phase 3. Furthermore, a major public park is proposed in future stages and this area, as well as existing areas of open space adjacent to Zuccoli Stage 1 will be readily accessible to the general public and will service as an open space network. It is therefore considered that Stage 1 of the Zuccoli residential subdivision once fully developed will provide the required 10% public open space.

ACTION: Notice of Consent and Development Permit

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



SUZANNE PHILIP
Chair

19/10/17