

NORTHERN TERRITORY OF AUSTRALIA

Planning Act

NOTICE OF AMENDMENT DECISION

I, DAVID WILLIAM TOLLNER, Minister for Lands and Planning, under section 30U(1) of the *Planning Act*, give notice that –

AMENDMENT DECISION

I have, under section 30R(2)(a)(ii) of the Act, made an amendment decision to approve an altered amendment proposal to rezone Lot 11498 Town of Palmerston (15 Maluka Drive) from CB (Central Business), HR (High Density Residential), MD (Multiple Dwelling Residential), and PS (Public Open Space) to SP11 (Specific Use), CB (Central Business), HR (High Density Residential), and MR (Medium Density Residential).

REASONS FOR DECISION

This rezoning is suitable because:

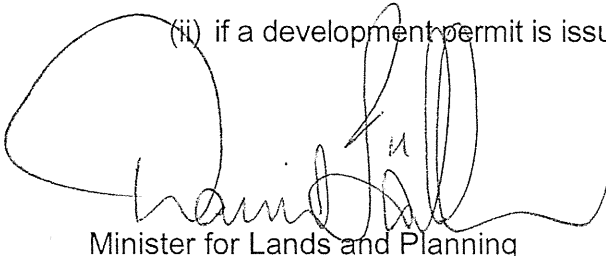
- it will facilitate the supply of land for commercial and residential activities which may contribute positively to the economic growth of Palmerston;
- the land is located adjacent to the Palmerston City Centre;
- the proposal complies with the intent of the Palmerston City Centre Area Plan; and
- the proposal resembles the existing zoning pattern which supports a mixture of commercial and residential development.

The amendment decision does not determine the concurrent application;

and

The amendment decision will take effect

- (i) **only** if the consent authority consents to the development proposal under section 30W(1)(a) or (b) and, after the determination of any appeals under Part 9, issues a development permit under section 54 for the proposal; and
- (ii) if a development permit is issued, on the date on which it is issued.



Minister for Lands and Planning

8/7/2015

NORTHERN TERRITORY OF AUSTRALIA

Planning Act - sections 54 and 55

DEVELOPMENT PERMIT

DP15/0429

DESCRIPTION OF LAND THE SUBJECT OF THE PERMIT

Lot 10011
Lot 11498
Town of Palmerston
8 MILLER CT, GUNN
15 MALUKA DR, GUNN

APPROVED PURPOSE

To use and develop the land for the purpose of a subdivision to create 12 lots, in accordance with the attached schedule of conditions and the endorsed plans.

VARIATIONS GRANTED

Clause 11.2.2 (Infrastructure and Community Facilities in Residential Subdivisions) and Clause 11.2.3 (Lot Size and Configuration in Residential Subdivisions) of the Northern Territory Planning Scheme.

BASE PERIOD OF THE PERMIT

Subject to the provisions of sections 58, 59 and 59A of the Planning Act, this permit will lapse two years from the date of issue.



STEPHEN WARD
Delegate
Development Consent Authority

23 / 7 / 2015

DEVELOPMENT PERMIT

DP15/0429

SCHEDULE OF CONDITIONS

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to include the provision for direct pedestrian and cyclist access to the Roystonea Avenue cycle path from Road A and D, to the requirements of the Department of Transport, to the satisfaction of the consent authority.
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a schematic plan demonstrating the on-site collection of stormwater and its discharge into the local stormwater drainage system shall be submitted to and approved by the City of Palmerston or Department of Transport as the case may be, to the satisfaction of the consent authority. The plan shall include details of site levels and Council's and Department of Transport's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and be discharged to City of Palmerston's and Department of Transport's stormwater system including during minor and major storm events.
3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to provide written advice from the Department of Transport confirming that:
 - the proposed left-in, left out arrangement onto Roystonea Avenue has been approved, and
 - any services or service connections within NT Government controlled road reserves has been approved.
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 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 both the clearing and establishment phases. Information regarding erosion and sediment control and ESCP content is available at www.austieca.com.au and the DLRM website: <http://lrm.nt.gov.au/soil/management>.

GENERAL CONDITIONS

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

6. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
7. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for approval by the Surveyor General.
8. All proposed roads and public open space reserves 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.
9. An appropriate truncation, to be determined in consultation with the Department of Transport, is to be provided to the property boundaries of proposed lot 4 at the intersection of proposed Road C with the Roystonea Avenue road reserve.
10. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity supply and telecommunications to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
11. Stormwater drainage shall be wholly contained within the site and discharged into the local stormwater system to the standards and approval of Transport Infrastructure Division, Department of Transport and/or Palmerston City Council as the case may be. 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.
12. 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.
13. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
14. Landscaping and development of open space (Lot 10011 Town to Palmerston) and streets/ roads shall be designed and constructed to the requirements of City of Palmerston and/ or the Department of Transport as the case may be, to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
15. 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 as the case may be, to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
16. All proposed work (including provision of services) within, or impacting upon the Roystonea Avenue 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 approval, 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".

17. Upon completion of any works within or impacting upon the Roystonea Avenue or other NT Government controlled road reserves, the road reserves shall be rehabilitated to the standards and requirements of the Department of Transport.
18. Prior to the issue of Part 5 clearance, the developer shall have carried out, as part of the subdivision 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, on the advice of the Department of Transport and to the satisfaction of the consent 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.
19. The Roystonea Avenue verge fronting the subdivision area is to be topdressed, grassed and landscaped consistent with the Department's standards and approval.
20. 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 tracking of materials onto streets. This includes ensuring that all wheels, tracks and body surfaces are free of mud and other contaminants before entering onto the sealed road network. Where tracked/dropped material on the road pavement becomes a potential safety issue, the developer will be obliged to clean material off the road in an environmentally responsible manner.

NOTES

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/ or surrounding infrastructure.
2. 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.
3. 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.
4. 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>.

5. The Department of Land Resource Management (DLRM) advises that *Typhonium praetermissum* has been identified on lot 10011 in three locations and is listed as vulnerable under the Territory Parks and Wildlife Conservation Act. DLRM provide a range of mechanisms to mitigate the risk including:
- in situ conservation which entails excluding development from the key habitat areas and designating the land for conservation;
 - ex situ entails translocation of the threatened species;
 - offset arrangements.

The Flora and Fauna Division of the Department can provide additional advice about translocation or offset options if these are required.