



DEVELOPMENT CONSENT AUTHORITY

PALMERSTON DIVISION

MINUTES

MEETING No. 243 – WEDNESDAY 16 JUNE 2021

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

MEMBERS PRESENT: Suzanne Philip (Chair), Steve Ward, Trevor Dalton, Sarah Henderson and Athina Pascoe-Bell

APOLOGIES: Ben Giesecke

LEAVE OF ABSENCE: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), Adelle Godfrey and Sonia Barnes (Development Assessment Services)

COUNCIL REPRESENTATIVES: Damien Scalora

Meeting opened at 10.00 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

PA2021/0134 CARPORT ADDITION TO EXISTING DWELLING-SINGLE WITH REDUCED FRONT SETBACK

APPLICANT LOT 2942 (60) HARRISON CIRCUIT, WOODROFFE, TOWN OF PALMERSTON
Billie-Jean Maiden & Dean Robert Looseley

Ms Billie-Jean Maiden attended.

RESOLVED
26/21

That, the Development Consent Authority vary the requirements of Clause 5.4.3 Building Setbacks of Residential Buildings and Ancillary Structures of the Northern Territory Planning Scheme 2020, and pursuant to section 53(a) of the *Planning Act 1999*, consent to the application to develop Lot 2942 (60) Harrison Circuit, Woodroffe, Town of Palmerston for the purpose of a carport addition to existing dwelling-single with reduced front setback, subject to the following conditions:

CONDITIONS PRECEDENT

1. Before the development starts, a landscape plan to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale and must show a planting schedule of all proposed trees and shrubs between the carport and front boundary, including botanical or common names. All species selected must be to the satisfaction of the consent authority.

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. 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 drainage and electricity facilities to the development 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. 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, to the satisfaction of the City of Palmerston.

7. Any reinstatement works required as a result of any damage caused to infrastructure or landscaping must be undertaken by the developer, to the technical standards of and at no cost to the City of Palmerston, to the satisfaction of the consent authority. This includes grassing the verge between the property boundary and the kerb.
8. 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.

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 and the land is in Zone LR (Low Density Residential). Clause 1.8 (When development consent is required) sub-clause (1)(b)(ii)(2) states that consent is required where the use or development of land is shown as Permitted on the relevant assessment table in Part 4, but does not comply with the relevant development requirements as set out in Part 5. The application is *Merit Assessable* as variations are sought to the setbacks required under Part 5.

Clause 1.10 (Exercise of Discretion by the Consent Authority) requires the consent authority in considering an application under Clause 1.8(1)(b)(ii)(2) to consider the requirements in Part 5 that are not complied with and whether the proposal meets the purpose of the requirements. A variation is sought to the front setback required by Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures).

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 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures), because the proposal will result in the carport posts being set back 1.73m to 1.94m from the front boundary, and the roof set back 1.43m to 1.64m, where 4.5m and 3.6m is required.

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 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures) in that the open sided carport is compatible with the streetscape and surrounding development, minimises the adverse effects of building massing when viewed from the street and neighbouring property, avoids undue overlooking of neighbouring property and facilitates breeze penetration.

The administration of this clause allows the consent authority to consent to a development not in accordance with the required setbacks, provided the reduced setback is consistent with the purpose of the clause and the zone purpose and outcomes, and is appropriate to the site having regard to such matters as its location, scale and impact on adjoining and nearby property.

The proposed carport is consistent with the purpose and outcomes of Zone LR (Low Density Residential), in that it is an anticipated development when associated with a dwelling-single. The amended proposal, including additional landscaping, is of a more sympathetic scale and character that aligns with surrounding development and the streetscape. It is also noted that the shape of the lot, location and orientation of the existing dwelling, and the sewerage easement along the western boundary limit alternative locations for a carport with compliant setbacks.

The consent authority requires the submission of a landscaping plan by condition, detailing the species proposed between the carport and the front boundary. This landscaping is intended to assist with softening the appearance of the carport from the street and screening it from public view.

- (b) The considerations listed under Clause 1.10(3) or 1.10(4) do not apply to this application because the application became *Merit Assessable* under Clause 1.8(1)(b)(ii)(2), and under Clause 1.10(2), the consent authority only must consider the requirements in Part 5 that are not complied with for such applications.
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.

No constraints or concerns with land capability have been identified that would prevent the development, and all requirements from service authorities have been addressed through conditions of the development permit.

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 potential amenity impacts of the reduced setback have been mitigated through the addition of landscaping within the front setback that will assist in softening the appearance of the carport and screening it from public view. The location and scale of the carport is considered consistent with the streetscape character reasonably anticipated in the zone, and is unlikely to result in any adverse impact on the amenity of the area.

FOR: 5

AGAINST: 0

ABSTAIN: 0

ACTION:

Notice of Consent and Development Permit

ITEM 2

PA2021/0137

SUBDIVISION TO CREATE 187 LOTS IN STAGES (ZUCCOLI PRECINCT D) PLUS BUILDING SETBACK PLAN

LOT 12448 RADFORD ROAD, ZUCCOLI, TOWN OF PALMERSTON

APPLICANT

June D'Rozario & Associates Pty Ltd

Ms June D'Rozario (June D'Rozario & Associates Pty Ltd) and Mr Hermanus Louw attended.

Late submitter Mr Gregory Knowles attended.

**RESOLVED
27/21**

That, the Development Consent Authority vary the requirements of Clauses 5.4.3.3 Reduced Setbacks for Dwellings-Single and 6.2.1 Lot Size and Configuration for Subdivision in Zones LR, LMR, MR and HR of the Northern Territory Planning Scheme 2020, and pursuant to section 53(a) of the *Planning Act 1999*, consent to the application to develop Lot 12448 Radford Road, Zuccoli, Town of Palmerston for the purpose of a subdivision to create 187 lots in stages (Zuccoli Precinct D) plus a building setback plan, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to provide evidence of resolution of the matters raised by the City of Palmerston in its letter dated 26 May 2021, with regard to the lakes proposed or whether another alternate solution for drainage is agreed, 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 stormwater management plan, with specific inclusion of lake management strategies (if required), is to be submitted to and approved by the City of Palmerston and Crown Land Estate, Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority.

3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to demonstrate that the subdivision includes 10% public open space unencumbered by drains and sufficiently flat for informal recreation, as required by Clause 6.2.4 Infrastructure and Community Facilities for Subdivision in Zones LR, LMR, MR and HR, to the satisfaction of the consent authority.
4. Prior to the endorsement of plans and prior to the commencement of works, detailed design plans for the public open space areas are to be submitted to and approved by the City of Palmerston, to the satisfaction of the consent authority.
5. 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.
6. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to provide a revised staging plan demonstrating the public open space lots will be delivered together with residential lots, to the satisfaction of the consent authority.
7. Prior to the commencement of works (including site preparation), a Weed Management Plan (WMP) is to be submitted to and approved by the Consent Authority on the advice of the Department of Environment, Parks and Water Security (DEPWS). The WMP must be developed and implemented so as to meet the minimum gamba grass management requirements for the proposed parcel sizes in the gamba Class B Zone area as described in the '*Weed Management Plan for gamba grass (Andropogon gayanus)*'. The WMP should include vehicle/equipment hygiene controls in line with the key principles for weed spread prevention as outlined in the Weed Management Branch document '*Preventing weed spread is every bodies business*'. The WMP should detail methods, treatments and timing for effective gamba grass management on the site during the development so that gamba grass is satisfactorily managed at completion of works for all proposed or existing lots and or NT Portion. Information regarding weed management is available at the NTG website: www.nt.gov.au/environment/weeds. The WMP should be emailed for assessment to developmentassessment.denr@nt.gov.au.
8. Prior to the commencement of works (including site preparation), a Type 2 Erosion and Sediment Control Plan (ESCP) must be developed in accordance with the Department of Environment, Parks and Water Security ESCP Standard Requirements 2019 available at www.nt.gov.au/environment/soil-land-vegetation. The ESCP must be developed and/or certified by a Certified Professional in Erosion and Sediment Control (CPESC) to the satisfaction of the consent authority. The ESCP should be submitted for acceptance prior to the commencement of any earth disturbing activities (including clearing and early works) to Development Assessment Services via email: das.ntg@nt.gov.au.

9. Prior to the commencement of works (including site preparation), the developer must submit an updated water and sewer infrastructure master plan and design report for the entire Zuccoli Aspire development. The master plan and design report must be satisfactory and accepted by Power and Water prior to any commencement of construction.

GENERAL CONDITIONS

10. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
11. The subdivision must proceed in the order of stages as shown on the endorsed plan unless otherwise agreed in writing by the consent authority.
12. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage, 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.
13. 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.
14. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the City of Palmerston and Crown Land Estate, Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority.
15. The owner of the land must submit engineering design plans and specifications to the City of Palmerston for approval prior to any works occurring for the proposed and affected roads, street lighting (including LED and smart cities technology), site earthworks, vehicular access and parking, pedestrian/cycle corridors, crossings and access points, streetscaping and landscaping (including irrigation). All approved works are to be completed to the technical requirements of City of Palmerston to the satisfaction of the consent authority.
16. All approved works for the stormwater drainage are to be completed to the technical requirements of the City of Palmerston and Crown Land Estate, Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority.
17. Any reinstatement works required as a result of any damage caused to infrastructure or landscaping must be undertaken by the developer, to the technical standards of, and at no cost to the City of Palmerston, to the satisfaction of the consent authority. This includes grassing the verge between the property boundary and the kerb.
18. 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.

19. The developer must implement necessary measures to ensure mosquito breeding does not occur during the construction phase of the subdivision, to the requirements of the Top End Health Services, Department of Health, to the satisfaction of the consent authority.
20. Before the issue of titles, the developer is to provide written confirmation (in the form of drawings) demonstrating that all lots less than 600m² for dwellings-single allow for future vehicle access via a single driveway unrestricted by street infrastructure (including any power, water, sewer or stormwater infrastructure) which demonstrates a 3.5m driveway can be located on each lot and that each lot has a minimum continuous frontage length of 6.5m, to the satisfaction of the consent authority.
21. All works relating to this permit must be undertaken in accordance with the endorsed Type 2 ESCP to the requirements of the consent authority. Should the endorsed Type 2 ESCP need to be amended, the revised ESCP must be developed and/or certified by a CPESC to the satisfaction of the consent authority. The revised ESCP should be submitted for acceptance to Development Assessment Services via email: das.ntg@nt.gov.au.
22. All reasonable and practical measures must be undertaken to prevent, erosion occurring onsite, sediment leaving the site, and runoff from the site causing erosion offsite. Appropriate erosion and sediment control measures must be effectively implemented throughout the construction phase of the development (including clearing and early works) and all disturbed soil surfaces must be satisfactorily stabilised against erosion at the completion of works, to the satisfaction of the consent authority. For further information refer to the relevant note below. At the completion of works, clearance should be sought from the Department of Environment, Parks and Water Security regarding satisfactory implementation of permanent erosion and sediment control measures and site stabilisation. To arrange a clearance site inspection, email the Development Coordination Branch at developmentassessment.depws@nt.gov.au.
23. All works relating to this permit are to be undertaken in accordance with the approved Weed Management Plan to the requirements of the consent authority, on the advice of the Department of Environment, Parks and Water Security.

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (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.
2. All new roads, including alterations and extensions to existing roads, are required to be named under the Place Names Act 1967. You should immediately make application to the Place Names Committee to commence the road naming process. Contact the Place Names Unit on 8995 5334 or

place.names@nt.gov.au. Further information can be found at www.placenames.nt.gov.au.

3. A Permit to Work Within a Road Reserve may be required from the City of Palmerston before commencement of any work within a road reserve.
4. There are statutory obligations under the *Waste Management and Pollution Control Act 1998* that require all persons to take all measures that are reasonable and practical to prevent or minimise the pollution or environmental harm and reduce the amount of waste. The proponent is required to comply at all times with the Act, including the General Environmental Duty under Section 12 of the Act. There is also a requirement to obtain an authorisation prior to conducting any of the activities listed in Schedule 2 of the Act. Guidelines to assist proponents to avoid environmental impacts are available on the Northern Territory Environment Protection Authority website at www.ntepa.ntg.gov.au/waste-pollution/guidelines/guidelines. The Act, administered by the Northern Territory Environment Protection Authority, is separate to and not reduced or affected in any way by other legislation administered by other Departments or Authorities. The Environment Operations Branch of the Environment Division may take enforcement action or issue statutory instruments should there be non-compliance with the Act.
5. 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.
6. 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 www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments 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 www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/builders-designers.
7. The Northern Territory Subdivision Development Guidelines capture the technical standards to comply with for the construction of public infrastructure as part of subdivision works to the requirements of service authorities and local authorities. Prior to any works commencing, it is encouraged that you engage early with the relevant authority to confirm their requirements and any variations that may be sought to the Subdivision Development Guidelines to ensure the works are completed to the relevant authorities requirements. The Subdivision Development Guidelines can be found at www.ntlis.nt.gov.au/sdg-online.
8. Information regarding erosion and sediment control can be obtained from the IECA Best Practice Erosion and Sediment Control 2008 books available at www.austieca.com.au and the Department of Environment, Parks and Water Security ESCP Standard Requirements 2019 and Land Management Factsheets available at www.nt.gov.au/environment/soil-land-vegetation.

For further advice, contact the Development Coordination Branch 8999 4446.

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 subdivision of land requires consent under Clause 1.8 (When development consent is required). It is identified as *Impact Assessable* under Clause 1.8(1)(c)(ii), and therefore the strategic framework of Part 2 including the Darwin Regional Land Use Plan 2015 and Palmerston Eastern Suburbs Area Plan and Planning Principles are relevant to this application, Part 4 being the zone purpose and outcomes of Clause 4.27 – Zone FD (Future Development), and Part 6 being Clause 6.5.1 (Subdivision in Zone FD), need to be considered.

The intended zone purpose and outcomes of Part 4 Clause 4.3 Zone LMR (Low-Medium Density Residential), plus Part 6 Clauses 6.2.1 Lot Size and Configuration for Subdivision in Zones LR, LMR, MR and HR, 6.2.2 Lots Less Than 600m² for Dwellings-Single, 6.2.3 Site Characteristics for Subdivision in Zone LR, LMR, MR and HR, 6.2.4 Infrastructure and Community Facilities for Subdivision in Zones LR, LMR, MR and HR apply. As the application includes a building setback plan for future dwellings, Part 5 Clause 5.4.3.3 Reduced Setbacks for Dwellings-Single also needs to be considered.

These clauses have been considered and it is found that the proposal complies with the requirements of the Planning Scheme except for Part 6 Clauses 6.2.1 Lot Size and Configuration for Subdivision in Zones LR, LMR, MR and HR, and Part 5 Clause 5.4.3.3 Reduced Setbacks for Dwellings-Single.

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).

Part 2

The subdivision aligns with the objectives for the urban areas identified within the Darwin Regional Land Use Plan 2015 including providing suitable opportunities for residential development to meet market demand, encouraging a range of dwelling types, and recognising and protecting the natural character of an area.

The subdivision provides for urban residential lots and public open space generally in the areas identified in the Palmerston Eastern Suburbs Area Plan. The Area Plan does not designate the intended

zones in this locality, and the application intends for a future Zone LMR (Low- Medium Density Residential). The subdivision provides a compact neighbourhood as required by the Planning Principles, with lots ranging from 330m² - 850m², and an average of 416m². The broader Zuccoli master plan allows for a mix of housing types, despite this stage being predominately for dwellings-single with 5 lots that could be developed as dwellings-group or dwellings-multiple. Higher densities are intended closer to the school and neighbourhood centre as part of other stages.

The open space master plan details a network of parks across Zuccoli catering for a range of activities, plus a 2.5m shared path. The subdivision allows the open space network to generally align with natural drainage lines for stormwater management. The local street network is interconnected and accessible, with the number of culs-de-sac limited. Route choice throughout the broader subdivision will improve once a future stage to the west is constructed.

The southern part of the subdivision area is identified on the Area Plan as being constrained by biting insects and suitable for rural living lots only, however comments received from Medical Entomology, Department of Health confirmed no objections to the design and it is understood rural living lots within the constrained areas will be developed as part of future stages. Overall the subdivision complies with the strategic framework.

Part 4

The land is in Zone FD (Future Development) where the purpose is for future rezoning and development in accordance with the Strategic Framework, and that development be limited to a level that will not prejudice future development or is compatible with planned future purposes. The subdivision is for the ultimate development and complies with the Strategic Framework in this location, and with the intended Zone LMR (Low-Medium Density Residential). The purpose of Zone LMR is to provide for a range of low rise housing options that contribute to the streetscape and residential amenity in locations supported by community services and facilities, and where full reticulated services are available.

Part 5

The application varies Clause 5.4.3.3 Reduced Setbacks for Dwellings-Single, the purpose of which is to provide flexibility for the design and siting of dwellings-single that adopt specified reduced setbacks in a manner that responds to the streetscape and surrounding development.

Clause 5.4.3.3 allows a zero boundary setback to one side boundary for lots sized 300m² - <450m², and a zero boundary setback to one side boundary for lots 450m² - <600m², where a 3m is provided to the other side boundary, amongst others. A variation to provide an optional 0.3m setback rather than the zero setback required is granted. The building setback plan will ensure that the neighbouring dwelling to an affected

boundary will be setback either 1.5m or 3m as required, to provide a practical and affordable outcome, and that the purpose of the clause is met in providing flexibility for the design and siting of dwellings that responds to the streetscape and surrounding development.

A condition is included on the development permit to ensure the future construction of dwellings-single on lots less than 600m² comply with Clause 5.2.4.5 Vehicle Access and On-Site Parking for Dwellings-Single on Lots Less than 600m² but not less than 300m². This condition requires that lots demonstrate the requirements for a single driveway of 3.5m plus a minimum continuous frontage length of 6.5m can be met, noting the location of any street infrastructure.

Part 6

Clause 6.5.1 Subdivision in Zone FD requires a minimum lot size of 50ha, however clause 4 allows the consent authority to vary the minimum lot size, provided it complies with the relevant subdivision requirements of the intended future zone, is generally in accordance with an area plan and services will be made available to the land, as is proposed.

Clause 6.2.1 Lot Size and Configuration for Subdivision in Zones LR, LMR, MR and HR ensures that the subdivision of land for urban residential purposes creates lots of a size, configuration and orientation suitable for residential development at a density envisaged by the zone. Whilst the subdivision complies with the requirements of this clause including the minimum lot size in Zone LMR, one variation is identified where Lot 762 is 624m² and does not provide the minimum building envelope of 17m x 17m. A variation is granted as pursuant to administration clause 4, the extent of the variation is considered minor, and the lot is considered to have sufficient overall size, and additional length to account for a 1m loss in width and provide for a lot of suitable size, configuration and orientation.

The purpose of Clause 6.2.3 Site Characteristics for Subdivision in Zones LR, LMR, MR and HR is to ensure that the subdivision of land provides lots suitable for urban residential purposes that respond appropriately to the physical characteristics of the land and does not detrimentally impact on surrounding land. The subdivision will respond to the physical characteristics of the land, upon meeting a condition for the submission of a site earthworks plan that eliminates the need for excessive cut/fill/retaining wall works.

The purpose of Clause 6.2.4 Infrastructure and Community Facilities for Subdivision in Zones LR, LMR, MR and HR is to ensure that the subdivision of land for residential purposes is appropriately integrated with infrastructure, community services and facilities. The subdivision generally complies with this clause including for internal accessibility, road and open space network provided, with most dwellings provided within a 400m walking radius of a planned bus stop. A condition on the permit requires the subdivision to demonstrate that the subdivision includes 10% public open space unencumbered by drains and sufficiently flat for informal recreation, as required by this clause,

particularly noting the extent of any lakes or drainage features was unresolved at the time of the consent authority hearing. A condition also requires the staging of the subdivision to be revised to allow the open space to be delivered together with the residential lots.

2. 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 is suitable for the development of urban lots through earthworks and site grading. A central part of the site is identified as broad drainage floors and slow drainage and the subdivision responds by incorporating this general area within the public open space area. The site is not known to be affected by flooding or storm surge. The slope is measured as ranging from 1% - 1.2% in locations across the subdivision which is considered appropriate to allow for the construction of small lots. The subdivision design includes earthworks and site grading and a condition will ensure that the site grading does not result in excessive earthworks.

3. Pursuant to section 51(1)(k) of the *Planning Act 1999*, 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 master plan and open space master plan submitted provide an overview of the public facilities and public open space anticipated as part of the broader development. The Area Plan identifies a primary neighbourhood centre further to the west of the subdivision area which is identified in a future stage, and is expected to provide for the commercial and community services as described by the Planning Principles. Within this stage of the subdivision, the total public open space is 3.60ha inclusive of either lakes or drainage features. As the extent of lakes or drainage features was unresolved at the time of the consent authority hearing, a condition is included to ensure the subdivision includes 10% public open space unencumbered by drains and sufficiently flat for informal recreation, as required by the Planning Scheme 2020.

4. Pursuant to section 51(1)(m) of the *Planning Act 1999*, the consent authority must take into consideration 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.

Comments were sought from service authorities during assessment of the application. The City of Palmerston did not support the application primarily due to the inclusion of lakes, and the lack of stormwater and open space details submitted with the application. The inclusion of

lakes in particular are of concern to Council given water availability, using potable water, a lack of demonstration of using the collection of flows from surrounding lots, water quality, and ongoing community expectations. The consent authority considered in detail the comments made, including the comment that the approval of the application in its current form would constrain the ability for an alternate solution.

The applicant presented to the consent authority at the hearing and confirmed that no groundwater is intended to be used for lakes. The applicant also confirmed that should the proposal change to a dry detention basin then only the depth of the feature would change, and that the open space boundaries would not be affected. The consent authority determined to approve the application subject to the resolution this matter through conditions precedent, rather than to defer consideration of the application. The consent authority notes that should the subdivision design change, then further planning consent would be required.

Water Services commented that a 50m buffer zone exists from the Radford sewer pump station at Lot 4251, shown as drainage Lot 2 on the subdivision plan. Development controls and a caution notice were requested within the buffer zone. The authority considered that the subdivision is designed to accommodate all residential lots outside of the 50m buffer zone with no caution notices required.

All other matters raised by service authorities have been addressed through conditions on the development permit.

5. 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 subdivision will result in a change to the amenity of the local area, as the land is currently undeveloped, however this change accords with the broader strategic planning and is consistent with the intended future amenity. The proposal includes open space areas, a functional road layout, and future residential densities as intended.

6. Pursuant to section 51(1)(t) of the *Planning Act 1999*, the consent authority must take into consideration other matters it thinks fit.

One late public submission was received by Mr Gregory Knowles, after the close of the submission period referred to in section 49 of the *Planning Act 1999*. The consent authority considered this submission under section 51(1)(t) of the *Planning Act 1999*. Mr Knowles also attended the public hearing for the application.

The submitter was concerned about the potential of traffic passing through, having adverse impacts on the existing developed areas, and understanding how the subdivision relates to the broader transport network. The consent authority had regard to the subdivision being consistent with the broader master plan, and the need for connections to the future road network being consistent with the relevant road agencies and considered as part of future stages of the subdivision.

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
2021.06.18
15:06:06 +09'30'

SUZANNE PHILIP
Chair

18 June 2021