



DEVELOPMENT CONSENT AUTHORITY

PALMERSTON DIVISION

MINUTES

MEETING No. 263 – FRIDAY 15 MARCH 2024

**AGORA ROOM
HUDSON BERRIMAH
4 BERRIMAH ROAD
BERRIMAH**

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

APOLOGIES: Nil

LEAVE OF ABSENCE: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), Adelle Godfrey, Julie Hillier and Daniel Herlihy (Development Assessment Services)

COUNCIL REPRESENTATIVE: None

Meeting opened at 10.00 am and closed at 11.30 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 TIME DURING THE MEETING AND INVITEES ARE PRESENT FOR THE EVIDENTIARY STAGE ONLY.

PA2023/0365 SUBDIVISION TO CREATE 47 LOTS AND BUILDING SETBACK PLAN
ITEM 1 (ZUCCOLI ASPIRE STAGE D1)

LOT 12448 RADFORD ROAD, ZUCCOLI, TOWN OF PALMERSTON

APPLICANT Cunnington Rosse Town Planning and Consulting

Applicant: Gerard Rosse (Cunnington Rosse Town Planning and Consulting) and Hermanus Louw (Development Manager - Costojic Pty Ltd - Landowner) attended.

RESOLVED
10/24

That, the Development Consent Authority, 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 subdivision to create 47 lots (Zuccoli Aspire Stage D1), subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to commencement of works, engineering design plans and specifications for vehicular access and parking, pedestrian/ cycle corridors, crossings and access points, street lighting, proposed and affected roads, stormwater drainage, site earthworks, and street-scaping are to be submitted to the City of Palmerston, to the satisfaction of the consent authority.
2. Prior to the commencement of works, a Type 2 Erosion and Sediment Control Plan (ESCP) must be developed and certified by a Certified Professional in Erosion and Sediment Control (CPESC) to the satisfaction of the consent authority. The ESCP must 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.
3. Prior to the commencement of works, the developer must submit an updated water and sewer infrastructure plan and design report to the requirements of the Power and Water Corporation, to the satisfaction of the consent authority.
4. Prior to the commencement of works, a detailed design which is consistent with the NT Subdivision Guidelines and appropriately addresses the interface between the development Lot 12448 Town of Palmerston and Radford Road must be submitted to and approved by the Land Development Unit, Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority.

GENERAL CONDITIONS

5. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.

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6. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage, electricity and telecommunication networks to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time. Please refer to notations 1, 2, and 3 for further information.
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. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, site earthworks, vehicular access, pedestrian/ cycle corridors and street-scaping are to be to the technical requirements of City of Palmerston to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
9. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of City of Palmerston, to the satisfaction of the consent authority.
10. The owner shall undertake reinstatement works as a result of damage caused to infrastructure or landscaping to the technical requirements of and at no cost to the City of Palmerston, to the satisfaction of the Consent Authority.
11. 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.
12. 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) 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.
13. All works relating to this permit must be undertaken in accordance with the accepted Type 2 Erosion and Sediment Control Plan (ESCP) to the satisfaction of the consent authority. Should the accepted Type 2 Erosion and Sediment Control Plan (ESCP) need to be amended, the revised ESCP must be certified by a Certified Professional in Erosion and Sediment Control (CPESC). The revised ESCP must be submitted for acceptance to Development Assessment Services via email: das.ntg@nt.gov.au.
14. All reasonable and practicable 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

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phase of the development (including clearing and early works) and all disturbed soil surfaces must be satisfactorily stabilised against erosion at completion of works. For further information refer to notes below. At completion of works, written clearance must be provided by a CPESC regarding satisfactory implementation of temporary and permanent erosion and sediment control measures and site stabilisation, and provided to the satisfaction of the consent authority.

15. Before the issue of titles, the developer is to provide written confirmation from a suitably qualified person that the earthworks are constructed to an appropriate standard in accordance with the National Construction Code.

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 developers, including owner-builders, are required to comply with Commonwealth telecommunications requirements. Under Commonwealth law, developers are generally required to provide fibre-ready pit and pipe in their developments at their expense. Developers may be able to access an exemption from these arrangements in some circumstances. For more information visit www.infrastructure.gov.au/tind
3. 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>
4. Survey and Land Records advise they should be contacted should any survey marks within the area be disturbed. For more information contact Survey and Land Records surveylandrecords@nt.gov.au 08 8995 5356.
5. The Department of Environment, Parks and Water Security advise that any low density occurrence of *Cycas armstrongii* within areas to be cleared should be managed in accordance with Management Program for Cycads (Liddle 2009), and any high density stands (>400 stems per hectare) should not be cleared and principles of the Management Program for Cycads should be applied.

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6. 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 5333 or place.names@nt.gov.au. Further information can be found at www.placenames.nt.gov.au
7. A “Permit to Work Within a Road Reserve” may be required from City of Palmerston before commencement of any work within the road reserve.
8. 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 5356. The numbers shown on the plans endorsed as forming part of this permit are indicative only and are not for addressing purposes.
9. All land in the Northern Territory is subject to the *Weeds Management Act 2001* (WM Act). The WM Act describes the legal requirements and responsibilities that apply to owners and occupiers of land regarding declared weeds. Section 9 general duties include the requirement to take all reasonable measures to prevent land being infested with a declared weed and to prevent a declared weed from spreading. There are additional duties including a prohibition on buying, selling, cultivating, moving or propagating any declared weed and the requirement to notify the Weed Management Branch of a declared weed not previously present on the land within 14 days of detection. Should you require further weed management advice contact the weed management branch by phone on (08) 8999 4567 or by email to weedinfo@nt.gov.au
10. Any proposed works which fall within the scope of the *Construction Industry Long Service Leave and Benefits Act 2005* 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.
11. The development must comply with the technical standards of the Northern Territory Subdivision Development Guidelines for the construction of public infrastructure as part of subdivision works to the requirements of the relevant local and service authorities. Prior to any works commencing, it is encouraged that you engage early with the relevant authorities 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 Northern Territory Subdivision Development Guidelines can be found at: <https://www.ntlis.nt.gov.au/sdg-online/>

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12. Department of Environment, Parks and Water Security Erosion and Sediment Control Plan (ESCP) procedures as updated available at <https://depws.nt.gov.au/rangelands/technical-notes-and-factsheets/land-management-technical-notes-and-fact-sheets>. 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 <https://nt.gov.au/environment/soil-land-vegetation>. For further advice, contact the Development Coordination Branch: (08) 8999 4446.
13. 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 Land Management Factsheets available at <https://nt.gov.au/environment/soil-land-vegetation>. For further advice, contact the Development Coordination Branch: (08) 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 the subdivision requires consent under Clause 1.8 (When development consent is required). It is identified as Impact Assessable under Clause 1.8(1)(c)(ii); therefore, the strategic framework (Part 2 of the Scheme, including the Palmerston Eastern Suburbs Area Plan, Zone purpose and outcomes of Clause 4.27 (Zone FD – Future Development), and Clauses 6.5.1 (Subdivision in Zone FD), 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 Zones LR, LMR, MR and HR), and 6.2.4 (Infrastructure and Community Facilities for Subdivision in Zones LR, LMR, MR and HR), need to be considered.

These clauses have been considered and it is found that the proposal complies with all relevant requirements of the Planning Scheme.

The subdivision is consistent with the Palmerston Eastern Suburbs Planning Principles and Area Plan. The subdivision provides for urban residential lots ranging from 360m² - 850m² and an average lot size of 455m². All residential lots are intended for 'dwellings-single'. Overall and through the completion of future stages of the subdivision including the retention of sites identified for dwellings-multiple, a compact neighbourhood can be achieved at and surrounding the neighbourhood centre and provide for housing choice.

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The land is in Zone FD (Future Development) where the purpose is *'Identify an area that is intended for future rezoning and development in accordance with the Strategic Framework. Development is limited to a level that will not prejudice future development or is compatible with planned future purposes'*. The application has addressed Clause 6.5.1 Subdivision in Zone FD and indicated the intended zoning of the residential lots is Zone LMR (Low-Medium Density Residential). The consent authority noted that the larger lots along the eastern boundary of the subdivision be considered for Zone LR (Low-Density Residential) to align with the intent for the establishment of dwelling-single in this location, and to serve as an appropriate buffer to rural living land to the east.

In regards to Clause 6.2.4 (Infrastructure and Community Facilities for Subdivision in Zone LR, LMR, MR and HR) sub-clause 7, the applicant identified the masterplan is progressively delivering open space with this stage relying on public open space provided as part of earlier and future stages. Future stage D3 is intended to include approximately 3.5ha of public open space within close proximity of the proposed lots. The clause requires the developer *"Provide a minimum of 10% of the subdivision area as public open space which (a) ensures the majority of dwellings are within 400m walking distance to a neighbourhood park; (b) incorporates recreational open space in larger units available for active leisure pursuits, (c) is unencumbered by drains and provides sufficient flat area for informal recreation; and (d) is designed to provide a safe environment for users by allowing clear views of the open space from surrounding dwellings or passing vehicles."* The consent authority noted a number of recent stages being lodged and completed without open space or where the staging intends for it to be developed as a second stage, such as recently completed Stages 4D-1 and 3D-1, current applications Stages D1 and D2, plus recently lodged applications for Stages 5A and 5B. The consent authority note the timely delivery of public open space is critical to ensure residents have adequate access for recreational opportunities and may be critical of applications for future stages without open space included.

The application included a setback plan which will need to be submitted separately as an application to amend the Planning Scheme to include in Schedule 9, at the time of zone normalisation. The setback plan has been considered and accords with the purpose of Clause 5.4.3.3 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.'* The submitted plan seeks a variation to sub-clause 3 to allow dwellings to be constructed with a 0.3m gap to the boundary in lieu of erecting the wall to the boundary with no gap. The 0.3m gap is to allow for pest control treatments and footing designs. The plan provides a coordinated approach to reduced setbacks, ensuring that there are no instances of 0.3m setbacks on adjoining boundaries including with adjoining stages. Overall the setback plan is considered to be in accordance with the purpose of the clause in that it will allow for future flexibility in the design and siting of dwellings-single.

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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.
No land capability concerns have been identified as part of the assessment or have been raised by service authorities.
3. 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.

Requirements for public utilities and infrastructure as reflected in the comments by the City of Palmerston and service authorities are addressed through conditions on the development permit.

Comments received by the Transport Safety and Services division, Department of Infrastructure, Planning and Logistics during the exhibition period raised *“issues with regard to the delivery of accessible public transport services. The majority of the lots in the Aspire subdivision and adjacent areas in the south of Zuccoli would not have ready access to public transport within a 400 to 600 metre walking distance based on the current service. The closest bus stop to the proposed developments is located at Bloodwood Crescent approximately 600 metres from the northern most edge of the development. The Transport Safety and Services Division within the Department of Infrastructure, Planning and Logistics ... has consistently requested that subdivision designs enable the delivery of accessible public transport routes.”* Transport Safety and Services request the following be included as part of the requirements for delivering the application *“A revised subdivision plan capable of accommodating a suitable and safe public transport route that provides adequate public transport coverage of this subdivision”*.

Development Assessment Services contacted Transport Safety and Services to clarify the revisions being requested to the subdivision plan, with advice received the route affected related application PA2023/0362 (Zuccoli Aspire Stage D2) only and that no changes would be required to Stage D1. Accordingly the consent authority deleted the condition originally recommended by Development Assessment Services for the submission of an amended subdivision plan with any changes required to the subdivision to accommodate a suitable and safe public transport route to the requirements of Transport Safety and Services.

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.

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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 subdivision includes open space areas, a functional road layout, and residential land uses as intended.

FOR: 5

AGAINST: 0

ABSTAIN: 0

ACTION: Notice of Consent and Development Permit

ITEM 2
PA2023/0362

SUBDIVISION TO CREATE 45 LOTS AND BUILDING SETBACK PLAN
(ZUCCOLI ASPIRE STAGE D2)

APPLICANT

LOT 12448 RADFORD ROAD, ZUCCOLI, TOWN OF PALMERSTON
Cunnington Rosse Town Planning and Consulting

Applicant: Gerard Rosse (Cunnington Rosse Town Planning and Consulting) and Hermanus Louw (Development Manager - Costojic Pty Ltd - Landowner) attended.

Mr Rosse tabled an aerial photograph showing the width of Bamboo Street.

RESOLVED
11/04

That, the Development Consent Authority, vary the requirements of Clause 6.2.3 (Site Characteristics 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 subdivision to create 45 lots (Zuccoli Aspire Stage D2), subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to endorsement of plans and prior to the commencement of works, 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 form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application but modified to show:
 - a) A compliant boundary length to the public road facing boundary of the proposed Lot identified as D2.36, in accordance with the requirements of Clause 6.2.2 (Lots Less than 600m² for Dwelling-Single).
 - b) Any changes required to the subdivision to accommodate a suitable and safe public transport route that provides adequate public transport coverage to the requirements of Transport Safety and Services, Department of Infrastructure, Planning and Logistics.
2. Prior to the endorsement of plans and prior to the commencement of works, an updated Traffic Impact Assessment report in accordance with the Northern Territory Subdivision Development Guidelines, to the requirements of the City of Palmerston, is to be submitted to the City of Palmerston, to the satisfaction of the consent authority. The updated report should include completed and proposed stages of the Zuccoli Aspire

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development and updated modelling of development external and internal to Zuccoli Aspire.

3. Prior to the commencement of works, engineering design plans and specifications for vehicular access and parking, pedestrian/ cycle corridors, crossings and access points, street lighting (including LED and smart cities technology), proposed and affected roads, stormwater drainage, site earthworks, and street-scaping are to be submitted to the City of Palmerston, to the satisfaction of the consent authority.
4. Prior to the commencement of works, a Type 2 Erosion and Sediment Control Plan (ESCP) must be developed and certified by a Certified Professional in Erosion and Sediment Control (CPESC) to the satisfaction of the consent authority. The ESCP must 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.
5. Prior to the commencement of works, the developer must submit an updated water and sewer infrastructure plan and design report to the requirements of the Power and Water Corporation, to the satisfaction of the consent authority.

GENERAL CONDITIONS

6. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
7. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage, electricity and telecommunication networks to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time. Please refer to notations 1, 2, and 3 for further information.
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. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, site earthworks, vehicular access, pedestrian/ cycle corridors and street-scaping are to be to the technical requirements of City of Palmerston to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
10. The kerb crossings and driveways to the site approved by this permit are to meet the technical standards of City of Palmerston, to the satisfaction of the consent authority.

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11. The owner shall undertake reinstatement works as a result of damage caused to infrastructure or landscaping to the technical requirements of and at no cost to the City of Palmerston, to the satisfaction of the Consent Authority.
12. All proposed roads to be created on the plan of subdivision submitted for approval by the Surveyor General must be dedicated to the relevant Northern Territory or local government authority.
13. 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) 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.
14. All works relating to this permit must be undertaken in accordance with the accepted Type 2 Erosion and Sediment Control Plan (ESCP) to the satisfaction of the consent authority. Should the accepted Type 2 Erosion and Sediment Control Plan (ESCP) need to be amended, the revised ESCP must be certified by a Certified Professional in Erosion and Sediment Control (CPESC). The revised ESCP must be submitted for acceptance to Development Assessment Services via email: das.ntg@nt.gov.au.
15. All reasonable and practicable 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 completion of works. For further information refer to notes below. At completion of works, written clearance must be provided by a CPESC regarding satisfactory implementation of temporary and permanent erosion and sediment control measures and site stabilisation, and provided to the satisfaction of the consent authority.
16. Before the issue of titles, the developer is to provide written confirmation from a suitably qualified person that the earthworks are constructed to an appropriate standard in accordance with the National Construction Code.

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.

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2. All developers, including owner-builders, are required to comply with Commonwealth telecommunications requirements. Under Commonwealth law, developers are generally required to provide fibre-ready pit and pipe in their developments at their expense. Developers may be able to access an exemption from these arrangements in some circumstances. For more information visit www.infrastructure.gov.au/tind.
3. 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>.
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5. The Department of Environment, Parks and Water Security advise that any low density occurrence of *Cycas armstrongii* within areas to be cleared should be managed in accordance with Management Program for Cycads (Liddle 2009), and any high density stands (>400 stems per hectare) should not be cleared and principles of the Management Program for Cycads should be applied.
6. 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 5333 or place.names@nt.gov.au. Further information can be found at www.placenames.nt.gov.au
7. 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 5356. The numbers shown on the plans endorsed as forming part of this permit are indicative only and are not for addressing purposes.
8. A "Permit to Work Within a Road Reserve" may be required from City of Palmerston before commencement of any work within the road reserve.
9. All land in the Northern Territory is subject to the *Weeds Management Act 2001* (WM Act). The WM Act describes the legal requirements and responsibilities that apply to owners and occupiers of land regarding declared weeds. Section 9 general duties include the requirement to take all reasonable measures to prevent land being infested with a declared weed and to prevent a declared weed from spreading. There are additional

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duties including a prohibition on buying, selling, cultivating, moving or propagating any declared weed and the requirement to notify the Weed Management Branch of a declared weed not previously present on the land within 14 days of detection. Should you require further weed management advice contact the weed management branch by phone on (08) 8999 4567 or by email to weedinfo@nt.gov.au

10. Any proposed works which fall within the scope of the *Construction Industry Long Service Leave and Benefits Act 2005* 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.
11. The development must comply with the technical standards of the Northern Territory Subdivision Development Guidelines for the construction of public infrastructure as part of subdivision works to the requirements of the relevant local and service authorities. Prior to any works commencing, it is encouraged that you engage early with the relevant authorities 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 Northern Territory Subdivision Development Guidelines can be found at: <https://www.ntlis.nt.gov.au/sdg-online/>
12. Department of Environment, Parks and Water Security Erosion and Sediment Control Plan (ESCP) procedures as updated available at <https://depws.nt.gov.au/rangelands/technical-notes-and-factsheets/land-management-technical-notes-and-fact-sheets>. 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 <https://nt.gov.au/environment/soil-land-vegetation>. For further advice, contact the Development Coordination Branch: (08) 8999 4446.
13. 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 Land Management Factsheets available at <https://nt.gov.au/environment/soil-land-vegetation>. For further advice, contact the Development Coordination Branch: (08) 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.

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The NT Planning Scheme 2020 applies to the land and the subdivision requires consent under Clause 1.8 (When development consent is required). It is identified as Impact Assessable under Clause 1.8(1)(c)(ii); therefore, the strategic framework (Part 2 of the Scheme, including the Palmerston Eastern Suburbs Area Plan), Zone purpose and outcomes of Clause 4.27 (Zone FD - Future Development), and Clauses 6.5.1 (Subdivision in Zone FD), 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 Zones LR, LMR, MR and HR), and 6.2.4 (Infrastructure and Community Facilities for Subdivision in Zones LR, LMR, MR and HR), need to be considered.

The above clauses have been considered and the subdivision has been found to be consistent with the strategic framework and comply with the relevant requirements with the exception of Clauses 6.2.2 and 6.2.3.

The subdivision is consistent with the Palmerston Eastern Suburbs Planning Principles and Area Plan. The subdivision provides for urban residential lots ranging from 330m² - 888² and an average lot size of 423m². All residential lots are intended for 'dwellings-single'. Overall and through the completion of future stages of the subdivision including the retention of sites identified for dwellings-multiple, a compact neighbourhood can be achieved at and surrounding the neighbourhood centre and provide for housing choice.

The land is in Zone FD (Future Development) where the purpose is '*Identify an area that is intended for future rezoning and development in accordance with the Strategic Framework. Development is limited to a level that will not prejudice future development or is compatible with planned future purposes*'. The application has addressed Clause 6.5.1 Subdivision in Zone FD and indicated the intended zoning of the residential lots is Zone LMR (Low-Medium Density Residential). The consent authority noted that the largest lot of 888m² may be considered for Zone LR (Low-Density Residential) to align with the intent for the establishment of dwelling-single in this location.

In regards to Clause 6.2.4 (Infrastructure and Community Facilities for Subdivision in Zone LR, LMR, MR and HR) sub-clause 7, the applicant identified the masterplan is progressively delivering open space with this stage relying on public open space provided as part of earlier and future stages. Future stage D3 will include approximately 3.5ha of public open space within close proximity of the proposed lots. The clause requires the developer "*Provide a minimum of 10% of the subdivision area as public open space which (a) ensures the majority of dwellings are within 400m walking distance to a neighbourhood park; (b) incorporates recreational open space in larger units available for active leisure pursuits, (c) is unencumbered by drains and provides sufficient flat area for informal recreation; and (d) is designed to provide a safe environment for users by allowing clear views of the open space from surrounding dwellings or passing vehicles.*" The consent authority noted a number of recent stages being lodged and completed without open space or where the staging intends for it to be developed as a second stage (such

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as recently completed Stages 4D-1 and 3D-1, current applications Stages D1 and D2, plus recently lodged applications Stages 5A and 5B. The consent authority note the timely delivery of public open space is critical to ensure residents have adequate access for recreational opportunities and may be critical of applications of future stages without open space included.

The application included a setback plan which will need to be submitted separately as an application to amend the Planning Scheme to include in Schedule 9, at the time of zone normalisation. The setback plan has been considered and accords with the purpose of Clause 5.4.3.3 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.' The submitted plan seeks a variation to sub-clause 3 to allow dwellings to be constructed with a 0.3m gap to the boundary in lieu of erecting the wall to the boundary with no gap. The 0.3m gap is to allow for pest control treatments and footing designs. The plan provides a coordinated approach to reduced setbacks, ensuring that there are no instances of 0.3m setbacks on adjoining boundaries including with adjoining stages. Overall the setback plan is considered to be in accordance with the purpose of the clause in that it will allow for future flexibility in the design and siting of dwellings-single.

No overlays apply to the land.

The proposal was found to be non-compliant with Clause 6.2.2 (Lots Less than 600m² for Dwellings-Single), as proposed lot referred to as Lot D2.36 has a non-compliant lot frontage length of 12.9m which is 100mm short of the minimum 13m. Administratively, *"the consent authority must not consent to a subdivision that is not in accordance with sub-clause 3 and 4."* As the consent authority has no discretion to vary this requirement, a condition precedent is included for updated plans to show compliance with Clause 6.2.2 prior to the endorsement of plans and prior to the commencement of works.

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 results in a non-compliance with Clause 6.2.3 (Site Characteristics for Subdivision in Zones LR, LMR, MR and HR) where steeper sections of the site around Lots D2.1, D2.2, D2.14, D2.37, D2.38, D2.39, and D2.45, result in slopes of approximately between 2.5% and 4% instead of 2% as permitted.

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- a. Administration subclause 1 allows the consent authority to vary this requirement where it is satisfied the design is consistent with the purpose of the clause.

The purpose of Clause 6.2.3 seeks to ensure that *'the subdivision of land provides lots suitable for urban residential purposes that responds appropriately to the physical characteristics of the land and does not detrimentally impact on surrounding land.'*

The design proposed as part of Phase D continues the grading approach as per previously approved phases and developed stages within Zuccoli Aspire and demonstrates that a consistent approach can still achieve the purpose of the clause, which includes delivery of lots suitable for residential purposes that respond to the physical characteristics of the land without detrimental impacts on surrounding land. No public submissions were received and service authorities did not raise any issues indicative of any existing and ongoing impacts from following the previous approach. On this basis, the variation is considered acceptable and likely to result in a more consistent pattern of development for this next stage of the subdivision.

- b. The considerations listed under Clause 1.10(4) have been given regard to and it has been found that the proposal will comply with all relevant requirements of the NT Planning Scheme 2020 by condition, except for Clause 6.2.3 as identified above.
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 land capability concerns have been identified as part of the assessment or have been raised by service authorities.

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.

Requirements for public utilities and infrastructure as reflected in the comments by the City of Palmerston and service authorities are addressed through conditions on the development permit.

Comments received by the Transport Safety and Services division, Department of Infrastructure, Planning and Logistics during the exhibition period raised *"issues with regard to the delivery of accessible public transport services. The majority of the lots in the Aspire subdivision and adjacent areas in the south of Zuccoli would not have ready access to public transport within*

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a 400 to 600 metre walking distance based on the current service. The closest bus stop to the proposed developments is located at Bloodwood Crescent approximately 600 metres from the northern most edge of the development. The Transport Safety and Services Division within the Department of Infrastructure, Planning and Logistics ... has consistently requested that subdivision designs enable the delivery of accessible public transport routes.” Transport Safety and Services request the following be included as part of the requirements for delivering the application “*A revised subdivision plan capable of accommodating a suitable and safe public transport route that provides adequate public transport coverage of this subdivision”.*

In response to the submission, at the meeting the applicant provided background on historic agreements and negotiations regarding the identified bus routes with stops as part of the masterplan. Notwithstanding any previous agreement around the local road network and bus routes, the authority must take into account the submission received from the Transport Safety and Services, Department of Infrastructure, Planning and Logistics on the proposal, which requests a revised subdivision plan capable of accommodating a suitable and safe public transport route. The consent authority determined that the recommended condition was appropriate and will allow for the applicant to negotiate with the Transport Safety and Services division as the authority in charge of public transport for clearance of the condition.

Further, comments received during the exhibition period from the City of Palmerston provided that “*...the road hierarchy provided in the traffic management plan attached to the civil design report, does not align with the proposed road layout and hierarchy within the report and design drawings of previously approved stages... There is a risk that the current lot sizes and layout may be impacted by a changed in the road hierarchy. The traffic impact assessment report is critical to ensure future development of Zuccoli Aspire aligns with current requirements and factors in the current and proposed road layout for the development...*” The consent authority noted information presented by the applicant with regards to the detailed design of the development being previously approved as part of a previous (now expired) development permit. The consent authority determined that the recommended condition for an updated traffic impact assessment was appropriate and will allow for the applicant to negotiate with the City of Palmerston as the local authority for clearance of the condition.

The consent authority further note that the matters of public transport and road hierarchy need to be resolved not only for the subject application, but will also affect future stages of the subdivision.

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.

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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 subdivision includes open space areas, a functional road layout, and residential land uses as intended.

FOR: 5

AGAINST: 0

ABSTAIN: 0

ACTION: Notice of Consent and Development Permit

**ITEM 3
PA2023/0424**

**UNIT TITLE SCHEMES SUBDIVISION TO CREATE THREE UNITS AND
COMMON PROPERTY
SECTION 3844 (43) MARJORIE STREET, PINELANDS, HUNDRED OF BAGOT**
Earl James and Associates

APPLICANT

Applicant: Kevin Dodd (Earl James and Associates) attended and tabled a revised subdivision plan showing additional landscaping adjacent to the road reserve.

**RESOLVED
12/24**

That, pursuant to section 53(a) of the *Planning Act 1999*, the Development Consent Authority consent to the application to develop Section 3844 (43) Marjorie Street, Pinelands, Hundred of Bagot for the purpose of unit title schemes subdivision to create three units and common property, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works, 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 with dimensions and must show:
 - (a) a planting schedule illustrating improvements to existing landscaping within 3m of the front boundary of the site.

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 the drainage easement shall be carried out to the requirements of the Crown Land Estate to the satisfaction of the consent authority.
4. Prior to new titles being issued for the units shown on the endorsed plans, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.

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5. 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.
6. Prior to new titles being issued for the units shown on the endorsed drawings, a Scheme Statement meeting the requirements of the *Unit Title Schemes Act 2009* (as confirmed by the Land Titles Office) shall be submitted for endorsement by the consent authority.
7. Prior to new titles being issued for the units shown on the endorsed drawings, confirmation shall be provided to Development Assessment Services (in the form of an email addressed to the Power and Water Corporation) demonstrating that the Power and Water Corporation has been provided with a copy of the survey plan with the new lot numbers. This is for the purpose of ensuring the relevant Power and Water Information and Billing System is updated. Please provide a copy of an email addressed to both landdevelopmentnorth@powerwater.com.au and powerconnections@powerwater.com.au
8. Prior to new titles being issued for the units shown on the endorsed drawings, confirmation shall be provided to Development Assessment Services (in the form of an email addressed to the Power and Water Corporation) from a suitable qualified professional confirming that all new number labels have been correctly installed at the Customer's Metering Panel(s) and water meters (where applicable). Please provide a copy of an email addressed to both landdevelopmentnorth@powerwater.com.au and powerconnections@powerwater.com.au
9. Prior to new titles being issued, it shall be confirmed by the consent authority that all areas shown on the plans endorsed by the consent authority through this Development Permit as any new service authority easements, shared driveways, or areas set aside for the communal storage and collection of garbage or other solid waste, or other shared amenities are shown on the survey plan as Common Property.

NOTES

1. 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 5356. The numbers shown on the plans endorsed as forming part of this permit are indicative only and are not for addressing purposes.
2. The Surveyor-General advises you should immediately make application for unit/street addresses to the Survey and Land Records unit on 08 8995 5356 (surveylandrecords@nt.gov.au).
3. Any proposed works which fall within the scope of the *Construction Industry Long Service Leave and Benefits Act 2005* must be notified to NT Build by lodgement of the required Project Notification Form. Payment of

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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.

4. The development must comply with the technical standards of the Northern Territory Subdivision Development Guidelines for the construction of public infrastructure as part of subdivision works to the requirements of the relevant local and service authorities. Prior to any works commencing, it is encouraged that you engage early with the relevant authorities 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 Northern Territory Subdivision Development Guidelines can be found at: <https://www.ntlis.nt.gov.au/sdg-online/>
5. 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.

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 unit title schemes subdivision requires consent under Clause 1.8 (When development consent is required). It is identified as Merit Assessable under Clause 1.8 (When development consent is required). Zone GI (General Industry) purpose and outcomes, and Clause 6.6.1 (Subdivision for the Purposes of a Unit Title Scheme) need to be considered.

The development was established as a permitted use which aligns with the Zone GI (General Industry) being to *"Provide for industrial developments that require separation from more sensitive uses as the nature of activities may detrimentally impact on the amenity of the locality, in locations with access to services and transport networks capable of supporting heavy industry."* There are no overlays that apply to the land.

Clause 6.6.1 (Subdivision for the Purposes of a Unit Title Scheme) applies to the development, of which the purpose is *"Ensure that:*
(a) the new ownership arrangements resulting from a subdivision to create a unit title scheme allow each element of the development to continue to be available to the occupants of the development and where appropriate to visitors;
(b) older developments are upgraded; and

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(c) development will not have a detrimental environmental effect on the land or result in a loss of amenity within the locality.”

The application is to subdivide an existing development into three units for separate occupation. Each unit comprises part of the building, car parking spaces, and an outside area. Landscaping at the front of the site also forms part of Unit 1. The common property comprises the central driveway, and at the rear of the building.

Requirement 6 applies,

“6. Subject to sub-clauses 1, 2, 3 and 5 a subdivision to create a unit title scheme should meet the requirements of Part 5 of the planning scheme and in particular:

- (a) all car parking provided as a requirement of a development must be available at all times for the use of the occupants of the development and their visitors or clients and be included:
 - i. in common property; or*
 - ii. as part of the area under the title for the individual units;**
- (b) any loading bays provided for:
 - i. common use must be in common property; and*
 - ii. the sole use of an individual unit must be in the entitlement of that unit;**
- (c) any areas set aside for the communal storage and collection of garbage and other solid waste must be included in common property;*
- (d) any private open space associated with a dwelling must be included in the unit entitlement of that dwelling; and*
- (e) any communal facilities and amenities or open space provided for rooming accommodation, dwellings-group, dwellings-multiple and residential care facilities must be included in common property.”*

Administratively, the clause provides:

“1. A lawfully established development on a lot may be subdivided to create a unit title scheme only if the development has been upgraded to meet the development requirements within Part 3 and Part 5 of the planning scheme that apply to the development of the land.

If it is not possible to meet the requirements the consent authority must be satisfied that the proposed upgrading is the only practicable design solution.”

The existing development is in general compliance with the current Northern Territory Planning Scheme 2020 including height control, car parking, loading bays, and building setbacks. Two non-compliances were identified:

- A non-compliance to sub-clause 6(b) of Clause 5.2.4.4 and sub-clause 6 of Clause 5.2.6 as the development does not provide 3m of landscaping along the street frontage and to lessen the visual impact of a car parking area when viewed from a road. It is practical that the development include improved landscaping to improve compliance with these clauses and a condition is included that a landscaping plan be endorsed, and the works carried out to improve compliance with above mentioned clauses.

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At the hearing, the applicant tabled an updated subdivision plan showing additional vegetation included adjacent to the existing cycads. The condition recommended by Development Assessment Services remains to allow the applicant to specify a schedule of landscaping for clarify on the species to be included.

- A non-compliance to sub-clause 3 of Clause 5.6.1 which requires that “A clearly identifiable, dedicated pedestrian access is to be provided to the main entrance of the building from the street and customer car parking areas”. No pedestrian connections are provided in the area. It is considered that the non-compliance with sub-clause 3 of Clause 5.6.1 will have no planning implications and as there are no pedestrian networks within the area, that there is no practicable upgrade solutions.

Otherwise, the unit titling meets the requirements of sub-clause 6 noting car parking and loading bays are located within areas under the title for the individual units. No communal storage and collection of garbage areas are proposed and driveways are included as common property. Overall and by conditions, the development is suitable for unit titling.

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 development is existing and no concerns are identified with regards to the capability of the site in accommodating the unit titling.

3. 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.

Given the absence of existing power, water or sewerage easements and lack of advice from Power and Water Corporation indicating the need for new easements, the applicant requested the recommended conditions be amended to remove any conditions requiring a clearance from Power and Water Corporation in relation to registration of easements and development in proximity to easements.

The conditions have been amended to take into account the comments from the applicant which reduces the administrative burden for both the service authority and the applicant, by limiting reference to only a condition requiring consideration of any development in proximity to the existing drainage easement.

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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.

As the proposal is to create individual units for an existing development, there is no impact on the existing or future amenity of the area.

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
Chair

18 March 2024