



DEVELOPMENT CONSENT AUTHORITY

PALMERSTON DIVISION

MINUTES

MEETING NO. 268 – FRIDAY 13 SEPTEMBER 2024

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

MEMBERS PRESENT: Marion Guppy (Deputy Chair), Trevor Dalton, Elisha Harris, Athina Pascoe-Bell and Sarah Henderson

APOLOGIES: None

LEAVE OF ABSENCE: None

OFFICERS PRESENT: Elya Sugg (Acting Secretary), David Burrow and Daniel Herlihy (Development Assessment Services)

COUNCIL REPRESENTATIVE: Christopher Tickner

Meeting opened at 10:15 am and closed at 11:15 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.

ITEM 1 **SUBDIVISION TO CREATE 38 LOTS AND BUILDING SETBACK PLAN**
PA2024/0148 **(ZUCCOLI ASPIRE STAGE 5A)**
LOT 12432 and LOT 12433 TOWN OF PALMERSTON
APPLICANT **June D'Rozario & Associates Pty Ltd**

Applicant: June D'Rozario and Hermanus Louw attended.

Submitters in attendance: none attended.

RESOLVED That, the Development Consent Authority vary the requirements of Clause
35/24 6.2.3 (Site Characteristics for Subdivision in Zones LR, LMR, MR and HR) of the
Northern Territory Planning Scheme, and pursuant to section 53(a) of the
Planning Act 1999, consent to the application to develop Lots 12432 and
12433, Zuccoli Parade, Zuccoli, Town of Palmerston for the purpose of a
Subdivision to create 38 lots and building setback plan (Zuccoli Aspire Stage
5A), subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to 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 will then 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 5A.03, in accordance with the requirements of Clause 6.2.2 (Lots Less than 600m² for Dwelling-Single) to the satisfaction of the consent authority
 - (b) an updated Street network and hierarchy design for the entire Zuccoli Aspire development approved by the City of Palmerston
 - (c) an updated Public Open Space Masterplan for the entire Zuccoli Aspire development approved by the City of Palmerston to the satisfaction of the consent authority
 - (d) a stormwater plan demonstrating the on-site collection of stormwater and its discharge into the City of Palmerston or Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics (whichever relevant) stormwater drainage system, or alternative, shall be submitted to and approved by the City of Palmerston or Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics (whichever relevant), to the satisfaction of the consent authority
2. 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

Palmerston DCA Meeting No 268 – Friday 13 September 2024

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.

3. 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.
4. 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

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

Palmerston DCA Meeting No 268 – Friday 13 September 2024

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. 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.
13. 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.
14. 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 onsite 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

Palmerston DCA Meeting No 268 – Friday 13 September 2024

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.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. 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
6. 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.
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. 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
9. 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.
10. 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

Palmerston DCA Meeting No 268 – Friday 13 September 2024

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/>

11. Department of Environment, Parks and Water Security Erosion and Sediment Control Plan (ESCP) procedures as updated available at <https://depws.nt.gov.au/rangelands/technicalnotes-and-factsheets/landmanagement-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/soilandvegetation>. For further advice, contact the Development Coordination Branch: (08) 8999 4446.
12. 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-landvegetation>. 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 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 Clause 6.2.3 (Site Characteristics for Subdivision in Zones LR, LMR, MR and HR).

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

Palmerston DCA Meeting No 268 – Friday 13 September 2024

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 to be non-compliant with sub-clause 3 of Clause 6.2.2 (Lots Less than 600m² for Dwellings-Single), as the proposed lot referred to as Lot 5A.03 has a noncompliant lot frontage length of 12.3m which is 0.7m 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 on the subsequent Development Permit and amended plans are required to achieve compliance with Clause 6.2.2 prior to the endorsement of plans and prior to the commencement of works. Subsequently, the proposed development is considered to comply with Clause 6.2.2 of the NT Planning Scheme, subject to meeting the relevant condition precedent.

The proposal has also been found not to be in accordance with Clause 6.2.3 (Site Characteristics for Subdivision in Zones LR, LMR, MR and HR), because the subdivision will result in development within landform class 4c which is waterlogged land.

Administratively, the consent authority *may consent to a subdivision that is not in accordance with sub-clauses 2-6, only if it is satisfied the subdivision design is consistent with the purpose of this clause.*

The purpose of Clause 6.2.3 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 land is expected to be connected to reticulated stormwater drainage. The land affected by waterlogging is minimal and the rest of the proposed subdivision is expected to be suitable for development once grading is completed.

A variation to sub-clause 2 of Clause 6.2.3 in this instance is not seen to compromise the purpose of Clause 6.2.3 and found to be appropriate.

- (a) The considerations listed under Clause 1.10(4) have been given regard to and it has been found that the proposal complies with all relevant requirements of the NT Planning Scheme 2020, except for 6.2.3 (Site Characteristics for Subdivision in Zones LR, LMR, MR and HR) 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

Palmerston DCA Meeting No 268 – Friday 13 September 2024

the development on the land and on other land, the physical characteristics of which may be affected by the development.

The land has been identified for urban development on the Palmerston Eastern Suburbs Area Plan and the application includes an engineering report and civil works plans that identify how the land will be developed. Land units mapping identifies the land within the subject subdivision site as land units 2a1 and 4c which is found to be suitable for development when adequate stormwater controls are implemented.

The Department of Environment, Parks and Water Security recommended the inclusion of a condition precedent requiring the preparation of a Type 2 Erosion and Sediment Control Plan (ESCP), general conditions requiring implementation of the endorsed ESCP and control measures throughout the construction phase of the development, but raised no concerns in relation to land capability.

Overall the land is considered capable of accommodating the subdivision.

4. Pursuant to section 51(1)(m) of the *Planning Act 1999*, the consent authority must consider the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities, and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose.

The application was referred to the relevant service authorities and subsequent comments have been addressed by way of standard conditions and/or notations on the Development Permit as appropriate.

The City of Palmerston requested that the following conditions precedents be included:

1. Prior to the endorsement of plans, submit the following to the City of Palmerston for approval in accordance with the Subdivision Masterplan requirements of the Northern Territory Subdivision Development Guidelines, and the City of Palmerston;
 - a. an updated Street network and hierarchy design for the entire Zuccoli Aspire development
 - b. an updated Public Open Space Masterplan for the entire Zuccoli Aspire development
 - c. an updated Part 1 Stormwater Management Plan for the remaining stages of Zuccoli Aspire

These plans are to include demonstration of the required allocation of areas for usable open space, park hierarchy, and drainage, and staging for works.

2. Prior to the commencement of works, submit the following to the City of Palmerston for approval in accordance with the Northern Territory Subdivision Development Guidelines, and the City of Palmerston requirements (as relevant):
 - a. Part 2 Stormwater Management Plan

Palmerston DCA Meeting No 268 – Friday 13 September 2024

- b. Detailed drawings relating to stormwater drainage
- c. Bulk earthworks plan
- d. Roads, pathways (including cycle pathways) and vehicle crossings
- e. Street-scaping and landscaping (including irrigation and lighting)

The Development Consent Authority recommended the following conditions:

1. Prior to the endorsement of plans and prior to 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 will then 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 5A.03, in accordance with the requirements of Clause 6.2.2 (Lots Less than 600m² for Dwelling-Single) to the standards of Development Assessment Services
 - b. an updated Street network and hierarchy design for the entire Zuccoli Aspire development to the standards of the City of Palmerston
 - c. an updated Public Open Space Masterplan for the entire Zuccoli Aspire development approved by the City of Palmerston to the satisfaction of the consent authority
 - d. a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Palmerston or Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics (whichever relevant) stormwater drainage system, or alternative, shall be submitted to and approved by the City of Palmerston or Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics (whichever relevant), to the satisfaction of the consent authority

At the meeting, Mr Tickner representing the City of Palmerston (CoP) raised concerns regarding the use of the word schematic in recommended condition 1(d), indicating that a schematic plan would not provide the level of detail required. Mr Tickner also requested that the condition's precedent refer directly to the Northern Territory Subdivision and Development Guidelines (SDG) as submitted within the CoP comments.

June D'Rozario, representing the applicant, considered the reference to the schematic stormwater plan to be adequate prior to endorsement of plans.

The consent authority determined to require a stormwater plan approved by CoP or the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics (whichever relevant), to the satisfaction of the consent authority prior to the endorsement of plans.

Palmerston DCA Meeting No 268 – Friday 13 September 2024

The consent authority determined the request by CoP to reference the SDG to be satisfied by note 10 on the Development Permit as recommended. Proposed note 10 reads as follows:

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/>

In addition, the consent authority determined to alter the wording of condition precedent 1(b) from 'to the standards of' to 'approved by,' to provide CoP with the discretion to approve plans in accordance with the SDG.

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 broader strategic planning and is consistent with the intended future amenity. The proposal includes open space areas, a functional road layout, and residential land uses as intended.

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

The consent authority noted that topographical issues had occurred within the greater suburb of Zuccoli, potentially caused/exacerbated by a lack of coordination between developers. The consent authority determined to raise concerns regarding a potential lack of coordination between developers with Development Assessment Services directly for a broader ongoing discussion of best practice.

FOR: 5

AGAINST: 0

ABSTAIN: 0

ACTION: Notice of Consent and Development Permit

ITEM 1
PA2024/0186

CHANGE OF USE FROM SHOWROOM SALES TO LEISURE AND RECREATION WITH ANCILLARY FOOD PREMISES (TENANCY B8) LOT 14828 (1) ROYSTONEA AVENUE , YARRAWONGA, TOWN OF PALMERSTON

APPLICANT

Cunnington Rosse Town Planning and Consulting

Applicant: Josh Larder and Brad Cunnington attended.

Palmerston DCA Meeting No 268 – Friday 13 September 2024

Submitters in attendance: none attended.

**RESOLVED
36/24**

That, the Development Consent Authority vary the requirements of Clauses 5.2.4.1 (Car Parking Spaces) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act 1999, consent to the application to develop tenancy B8 at Lot 14828 (1) Roystonea Avenue, Yarrowonga, Town of Palmerston for the purpose of a change of use from showroom sales to leisure and recreation with ancillary food premises subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of works, the applicant is to prepare a schematic plan demonstrating the proposed method of stormwater management, including details of existing and proposed stormwater infrastructure, stormwater drains and drainage easements, to the to the requirements of City of Palmerston, to the satisfaction of the consent authority
2. Prior to the commencement of works, a Waste Management Plan, including bin storage and screening design, in accordance with City of Palmerston's Waste Management Guidelines, shall be submitted to and approved by the City of Palmerston, to the satisfaction of the consent authority.

GENERAL CONDITIONS

3. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
4. 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.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage and electricity to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

Please refer to notation 1 for further information.

6. 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, to the satisfaction of the consent authority.
7. Storage for waste disposal bins is to be provided to the requirements of the City of Palmerston to the satisfaction of the consent authority.

NOTES

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (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 Leisure and recreation requires consent under Clause 1.8 (When development consent is required). It is identified as *Merit Assessable* under Clause 1.8(1)(b)(i) therefore, the guidance provided by Zone SC (Service Commercial) purpose and outcomes where relevant to a variation to requirements in Part 5, and Clauses 5.2.1 (General Height Control), 5.2.4 (Car Parking), 5.2.5 (Loading Bays), 5.2.6 (Landscaping), 5.3.7 (End of Trip Facilities in Zones HR, CB, C, SC and TC) and 5.8.5 (Leisure and Recreation), need to be considered.

These clauses have been considered and it is found that the proposal complies with the relevant requirements of the Planning Scheme except for Clause 5.2.4.1 (Car Parking Spaces).

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 5.2.4.1 (Car Parking Spaces) because the proposal will result in a further reduction of 50 car parking spaces from the required number of car parking spaces for a leisure and recreation facility, resulting in a total shortfall of 99 car parking spaces for the Gateway Extra Precinct.

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 5.2.4.1 (Car Parking Spaces) in that the proposal includes existing sufficient off-street car parking, constructed to a standard and conveniently located.

Palmerston DCA Meeting No 268 – Friday 13 September 2024

The applicant provided a car parking study that suggested there would be a surplus of approximately 100 car parking spaces once all developments were occupied. The existing 437 car parking spaces appear to be sufficient for the range of co-located uses within the Gateway Extra Precinct, and any additional car parking area is considered unlikely to be necessary. In addition, public transport is available within 350 metres walking distance of the development and there is no undue impact expected on the surrounding road network or amenity of the locality and adjoining properties.

Administratively, the consent authority may consent to a use or development that is not in accordance with sub-clause 4 if it is satisfied a reduction of the number of car parking spaces is appropriate with regard to:

- (a) the zoning of the land, the use or development or proposed use or development of the land, and the possible future use or development of the land;*
- (b) the provision of car parking spaces in the vicinity of the land;*
- (c) the availability of public transport in the vicinity of the land; and*
- (d) the potential impact on the surrounding road network and the amenity of the locality and adjoining property;*

or if the use or development relates to a heritage place and the Minister responsible for the administration of the Heritage Act 2011 supports the reduced provision of car parking spaces in the interest of preserving the significance of the heritage place

DP24/0159 approved a variation of Clause 5.2.4.1 (Car Parking Spaces) of the Northern Territory Planning Scheme 2020 to reduce the amount of required car parking by 49 car parking spaces. This application seeks to reduce the required car parking spaces by a further 50 spaces, resulting in a total reduction of 99 car parking spaces. Consideration has been given to the purpose and administration clauses of Clause 5.2.4.1 and it was found, in this instance, that a variation to Clause 5.2.4.1 to allow a further reduction of 50 car parking spaces, and a total reduction off 99 car parking spaces for the Gateway Extras Precinct was acceptable.

- (b) The considerations listed under Clause 1.10(3) have been given regard to and it has been found that the proposal complies with all relevant requirements of the NT Planning Scheme 2020, except for Clause 5.2.4.1 (Car Parking Spaces), 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.

The building is existing and the application is for a change of use to a use that is reasonably expected within Zone SC (Service Commercial). As such, the land is considered capable of supporting this development.

4. Pursuant to section 51(1)(m) of the *Planning Act 1999*, the consent authority must consider the public utilities or infrastructure provided in the area in

Palmerston DCA Meeting No 268 – Friday 13 September 2024

which the land is situated, the requirement for public facilities, and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose.

The application was referred to the relevant service authorities and subsequent comments have been addressed by way of standard conditions and/or notations on the Development Permit as appropriate.

The City of Palmerston (CoP) requested that *“Prior to the commencement of works, the applicant is to prepare a schematic plan demonstrating the proposed method of stormwater management, including details of existing and proposed stormwater infrastructure, stormwater drains and drainage easements, to the to the requirements of City of Palmerston, to the satisfaction of the consent authority*

They note that *confirmation from a suitably qualified professional that stormwater from the development will not be discharged to City of Palmerston infrastructure or impact its stormwater network will satisfy the above condition.*

Development Assessment Services recommended the following condition: *Prior to the commencement of works, the applicant is to prepare a schematic plan demonstrating the proposed method of stormwater management, including details of existing and proposed stormwater infrastructure, stormwater drains and drainage easements, to the to the requirements of City of Palmerston, to the satisfaction of the consent authority*

At the meeting, Josh Larder, representing the applicant, requested that the above condition be removed as the application was for a change of use only and changes to the discharge of stormwater was not being altered. The consent authority determined to retain the condition noting the CoP wanted confirmation that the stormwater would not discharge into CoP networks.

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 proposed development is for a change of use. The operation of the proposed use of leisure and recreation is consistent with other developments in the area and is an expected type of use within Zone SC (Service Commercial) and as such is unlikely to cause detrimental impacts to amenity.

The application seeks a variation to the required amount of car parking for the Gateway Extras Precinct. It was found in this instance that a reduction in required car parking spaces is unlikely to have detrimental impacts on the amenity of the area.

FOR: 5

AGAINST: 0

ABSTAIN: 0

ACTION: Notice of Consent, Development Permit and Endorsed Plans

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


MARION GUPPY
Deputy Chair

19 September 2024