



## **DEVELOPMENT CONSENT AUTHORITY**

### **PALMERSTON DIVISION**

### **MINUTES**

**MEETING No. 248 – WEDNESDAY 16 MARCH 2022**

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

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

**APOLOGIES:** Nil

**LEAVE OF ABSENCE:** Nil

**OFFICERS PRESENT:** Breanna Lusty (A/Secretary) Adelle Godfrey, Elissa Gee and Emily Hardy (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Nil

**Meeting opened at 9.30 am and closed at 10.20 am**

THESE CLOSED SESSION NOT PUBLIC MINUTES RECORDED THE EVIDENTIARY STAGE AND THE DELIBERATIVE STAGE SEPARATELY. THESE MINUTES RECORDED 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 DWELLING-GROUP (4 X 3 BEDROOM AND 2 X 4 BEDROOM) IN 6 X SINGLE  
PA2022/0017 STOREY BUILDINGS IN SIX STAGES  
UNITS 15461 TO 15466 (APT'S 1-6) AND UNIT 15467 COMMON PROPERTY (18)  
LEADWORT COURT, ZUCCOLI, TOWN OF PALMERSTON  
APPLICANT Territory Homes Pty Ltd

Ms Elizabeth Mpiliias (Territory Homes Pty Ltd) attended.

**RESOLVED** That, the Development Consent Authority vary the requirements of Clause 5.4.3  
**03/22** (Building Setbacks of Residential Buildings and Ancillary Structures) and 5.4.6 (Private Open Space) of the Northern Territory Planning Scheme 2020, and pursuant to section 53(a) of the *Planning Act 1999*, consent to the application to develop Units 15461 - 15467 (18) Leadwort Court, Zuccoli, Town of Palmerston for the purpose of a dwelling-group (4 x 3 bedroom and 2 x 4 bedroom) in 6 x single storey buildings in six stages, subject to the following conditions:

#### GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
2. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage, electricity facilities, and telecommunication networks to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
3. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
4. 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.
5. Storage for waste disposal bins is to be provided to the requirements of the City of Palmerston, to the satisfaction of the consent authority.
6. The owner shall undertake reinstatement works to the technical requirements of and at no cost to the City of Palmerston, to the satisfaction of the consent authority.
7. Before the occupation of the development starts, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.

8. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
9. The private open space areas shall be screened along each unit boundary by:
  - a) the erection of a solid wall or screen fence not less than 1.8 metres high: or
  - b) fenced to a height not less than 1.8 metres high and planted with dense vegetation.
10. All air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
11. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view 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](mailto:waterdevelopment@powerwater.com.au)) and Power Network Engineering Section ([powerdevelopment@powerwater.com.au](mailto: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. This development permit is not an approval to undertake building work. You are advised to contact a Northern Territory registered building certifier to seek a building permit as required by the Northern Territory Building Act 1993 before commencing any demolition or construction works.
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 any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email ([info@ntbuild.com.au](mailto:info@ntbuild.com.au)) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
4. 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>

## 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 a dwelling-group (3+) 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 Clauses 5.2.4 (Vehicle Parking), 5.2.6 (Landscaping), 5.4.1 (Residential Density Limitations), 5.4.2 (Residential Height Limitations), 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures), 5.4.6 (Private Open Space), 5.4.8 (Building Design for Dwelling-Group, Dwelling-Multiple, Rooming Accommodation and Residential Care Facility) 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 Clauses 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures) and 5.4.6 (Private Open Space).

The strategic framework (Part 2 of the Scheme, including the Palmerston Eastern Suburbs Area Plan, which is relevant to the application) and the zone purpose and outcomes of Clause 4.3 (Zone LMR – Low Medium Density Residential) are only relevant to the extent of the proposed variations Clauses 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures) and 5.4.6 (Private Open Space).

2. Pursuant to Clause 1.10 (Exercise of Discretion by the Consent Authority), subclause 5 of the NT Planning Scheme 2020, the consent authority may consent to a proposed development which is not in accordance with a requirement set out in Parts 3, 5 or 6 only if it is satisfied that the variation is appropriate having regard to:
  - (a) The purpose and administration clauses of the requirement; and
  - (b) The considerations listed under Clause 1.10(3) or 1.10(4).

The proposal has been found not to be in accordance with Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures), because the proposal will result in a minimum building setback of 2.8m to the primary street, where 6m is required. The proposal has also been found not to be in accordance with Clause 5.4.6 (Private Open Space) as no screen fencing or landscaping is provided along the northern and western boundaries of the site to provide a visual barrier between the private open space of each unit and the adjoining public park.

It is considered that variations to these clauses are appropriate in this instance because:

- (a) The proposal is consistent with the purpose of Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary

Structures) as the reduced setback to the primary street is considered compatible with the streetscape and surrounding development including residential buildings on the same site. This proposal results in Unit 15461 including a dwelling with a 2.8m minimum setback to the primary street Leadwort Court. It is also noted that an air conditioning unit is located within the minimum setback, however the applicant has advised that there is no other feasible location and that it will be screened by the 1.8m high powder coated slat fence proposed along the primary street frontage. Administratively, the consent authority may consent to a development that is not in accordance with sub-clause 6 only if it is satisfied that the reduced setback is consistent with the purpose of this clause and it is appropriate to the site having regard to such matters as its location, scale and impact on adjoining and nearby property.

The subject site is located at the end of a cul-de-sac, with a public open space lot to the north and west. Lots 13717 - 13725 adjoin the site to the east and comprise single dwellings which are oriented away from the site. Due to the configuration of the lots and width of the road reserve, the building will appear further set back than the dwelling-single on adjoining Lot 13725. The proposed dwelling-group is oriented east towards the common driveway, with the Leadwort Court frontage acting similar to a secondary street frontage. Under the NTPS 2020 a residential building is required to be set back 2.5m from a secondary street. The proposed dwelling-group includes varied setbacks and articulation to reduce building massing when viewed from the street and from adjoining property. The reduced setback will not result in any undue overlooking of adjoining properties and will not impact breeze penetration. On balance, the Authority determined that the 2.8m front setback meets the purpose of Clause 5.4.3 and is appropriate to the site.

The proposal is consistent with Clause 5.4.6 (Private Open Space) in that the application provides an adequate area of private open space for each unit that will take advantage of the outlook across the park. Administratively, the consent authority may consent to private open space that is not in accordance with sub-clauses 5 only if it is satisfied it is consistent with the purpose of this clause and the zone purpose and outcomes, and it is appropriate to the site having regard to such matters as its location, scale and impact on adjoining and nearby property. The variation will support the outcomes of Zone LMR, which include supporting site layout and landscaping that is sympathetic to the adjoining public spaces. The lack of screen fencing and dense landscaping along the northern and western external boundaries will allow for views and passive surveillance to the public open space. In their comments, City of Palmerston also requested that the dwellings retain some interface with the public open space lot and enable passive surveillance opportunities. As such, the Authority

considered the design to adequately balance the need to provide private open space for each dwelling, while also facilitating outlook and passive surveillance of adjoining public open space.

(b) 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 Clauses 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures) and 5.4.6 (Private Open Space), 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.

Development permit DP20/0087 approved a vacant unit title scheme over the land, and at the time the land was assessed as capable of supporting a future residential development. Subdivision works have occurred which levelled the subject site. No land capability concerns have been identified for the application.

4. Pursuant to section 51(1)(n) of the *Planning Act 1999*, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated.

The development is not anticipated to negatively impact on the existing and future amenity of the area. The reduced building setback to the primary street frontage is considered compatible with the streetscape and surrounding development. The building is articulated, located at the end of a cul-de-sac and will not result in any undue overlooking of adjoining properties or impact on breeze penetration. At the Hearing, Ms Pascoe-Bell questioned the applicant about waste collection and storage for the development, who confirmed that residents of each dwelling would be required to wheel bins to the curb on Leadwort Court for collection.

**FOR: 5**

**AGAINST: 0**

**ABSTAIN: 0**

**ACTION:**

Notice of Consent and Development Permit

**ITEM 2**  
**PA2021/0452**

**SUBDIVISION TO CREATE 68 LOTS (ZUCCOLI ASPIRE STAGE 4A)**  
**LOT 12432, ZUCCOLI PARADE, ZUCCOLI, TOWN OF PALMERSTON**

**APPLICANT**

June D'Rozario & Associates Pty Ltd

Mr Hermanus Louw (Development Manager – Costojic Pty Ltd (Landowner)) attended.

**RESOLVED  
04/22**

That, the Development Consent Authority vary the requirements of Clause 6.2.1 (Lot Size and Configuration for Subdivision in Zones LR, LMR, MR and HR) of the Northern Territory Planning Scheme 2020, and pursuant to section 53(a) of the *Planning Act 1999*, consent to the application to develop Lot 12432, Zuccoli Parade, Zuccoli, Town of Palmerston for the purpose of subdivision to create 68 lots (Zuccoli Aspire Stage 4A), subject to the following conditions:

#### **CONDITIONS PRECEDENT**

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a site earthworks plan indicating finished levels of all proposed lots is to be submitted to and approved by the City of Palmerston to the satisfaction of the consent authority. All cut and fill works are to be designed to eliminate the need for excessive cut/fill/retaining wall works for the proposed lots.
2. Prior to endorsement of plans and commencement of works (including site preparation), confirmation that lots are outside the 50m odour buffer of the Zuccoli South sewer pump station or that an agreement is in place with Power and Water Corporation for affected lots, to the satisfaction of the consent authority.
3. Prior to commencement of works (including site preparation), 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 streetscaping (including irrigation) are to be submitted to and approved by the City of Palmerston, to the satisfaction of the consent authority.
4. Prior to the commencement of works (including site preparation), the developer must submit an updated water and sewer infrastructure master plan and design report for the entire Zuccoli Aspire development. The master plan and design report must be satisfactory and accepted by Power and Water prior to any commencement of construction.
5. Prior to the commencement of works, a Type 2 Erosion and Sediment Control Plan (ESCP) must be developed in accordance with the Department of Environment, Parks and Water Security ESCP Standard Requirements 2019 available at <https://nt.gov.au/environment/soil-land-vegetation>. The ESCP must be developed and/or certified by a Certified Professional in Erosion and Sediment Control (CPESC) to the satisfaction of the consent authority. The ESCP should be submitted for acceptance prior to the commencement of any earth disturbing activities (including clearing and early works) to Development Assessment Services via email: [das.ntg@nt.gov.au](mailto:das.ntg@nt.gov.au).
6. Prior to commencement of works, a weed management plan (WMP) is to be submitted to and approved by the consent authority on the advice of the Department of Environment, Parks and Water Security (DEPWS). The WMP must be developed and implemented so as to meet the minimum gamba grass management requirements for the proposed parcel sizes in the Class B Zone areas as described in the Weed Management Plan for Gamba Grass 2020-

2030. The WMP should include vehicle and equipment hygiene controls in line with the key principles for weed spread prevention as outlined in the DEPWS document titled 'Preventing weed spread is everybody's business'. The WMP should detail methods, treatments and timing for effective gamba grass management on the site during the development, so that gamba grass is satisfactorily managed at completion of works for all proposed or existing lots. Information and documents on weed management is available at [www.nt.gov.au/weeds](http://www.nt.gov.au/weeds). The WMP should be emailed for assessment to [DevelopmentAssessment.DEPWS@nt.gov.au](mailto:DevelopmentAssessment.DEPWS@nt.gov.au).

## GENERAL CONDITIONS

7. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
8. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage and electricity facilities, and telecommunication networks to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
9. 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.
10. If a Caution Notice pursuant to section 34 of the *Land Title Act 2000* is required for lots affected by the 50m odour buffer of the Zuccoli South sewer pump station, the owner of the land must enter into an agreement with Power and Water Corporation to include a Caution Notice on title of affected lots. If required, the Caution Notice is to state "The land falls within an odour buffer zone of the Zuccoli South sewer pump station, and may be subject to periodic nuisance odours associated with the facility operations."
11. All affected roads, street lighting, stormwater drainage, site earthworks, vehicular access, pedestrian/ cycle corridors and streetscaping are to be carried out to the technical requirements of City of Palmerston, to the satisfaction of the consent authority. Any reinstatement works are to be carried out to the technical standards of the City of Palmerston including grassing the verge between the property boundary and the kerb.
12. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to City of Palmerston and Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority.
13. 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.



14. 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 600m<sup>2</sup> 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.
15. All works relating to this permit must be undertaken in accordance with the endorsed Type 2 Erosion and Sediment Control Plan (ESCP) to the requirements of the consent authority. Should the endorsed Type 2 Erosion and Sediment Control Plan (ESCP) need to be amended, the revised ESCP must be developed and/or certified by a Certified Professional in Erosion and Sediment Control (CEPSC) to the satisfaction of the consent authority. The revised ESCP should be submitted for acceptance to Development Assessment Services via email: [das.ntg@nt.gov.au](mailto:das.ntg@nt.gov.au)
16. 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, to the satisfaction of the consent authority. For further information refer to Note 10 below. At completion of works, clearance should be sought from the Department of Environment, Parks and Water Security regarding satisfactory implementation of permanent erosion and sediment control measures and site stabilisation. To arrange a clearance site inspection, email the Land Development Coordination Branch at: [DevelopmentAssessment.DENR@nt.gov.au](mailto:DevelopmentAssessment.DENR@nt.gov.au).
17. All works relating to this permit are to be undertaken in accordance with the approved Weed Management Plan, to the requirements of the consent authority on the advice of the Department of Environment, Parks and Water Security.

## NOTES

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([waterdevelopment@powerwater.com.au](mailto:waterdevelopment@powerwater.com.au)) and Power Network Engineering Section ([powerdevelopment@powerwater.com.au](mailto: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. If you choose nbn to service your development, you will need to enter into a development agreement with nbn. The first step is to register the development via <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html> once registered nbn will be in contact to discuss

the specific requirements for the development. Nbn requires you to apply at least 3 months before any civil works commence. All telecommunications infrastructure should be built to nbn guidelines found at <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/builders-designers.html>.

3. Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics advise that no direct accesses onto proposed arterial road (Bertram Road) from individual lots shall be provided. Access onto the proposed arterial road (Bertram Road) shall be via the existing Bertram Road and Tuckeroo Boulevard intersection only.
4. Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics advise that developer should have carried out, in accordance with AS3671-1989, "Acoustics – Road Traffic Noise Intrusion – Building Siting and Construction" an assessment by a suitably qualified person of the development's present and predicted future exposure to road traffic noise levels, and where required provide appropriate noise attenuation measures. All noise attenuation works deemed necessary shall be carried out by and at the full cost of the developer and shall be wholly contained (including foundations) within the subject lot.
5. 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/>.
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](mailto:place.names@nt.gov.au). Further information can be found at [www.placenames.nt.gov.au](http://www.placenames.nt.gov.au).
7. The Surveyor-General advises you should immediately make application for street addresses to the Survey and Land Records unit on (08) 8995 5354 ([surveylandrecords@nt.gov.au](mailto:surveylandrecords@nt.gov.au)).
8. A Permit to Work Within a Road Reserve may be required from the City of Palmerston before commencement of any work within a road reserve.
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](mailto:info@ntbuild.com.au)) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.

10. 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](http://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.

## REASONS FOR THE DECISION

1. Pursuant to section 51(1)(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The NT Planning Scheme 2020 applies to the land and subdivision 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, which is relevant to this application), 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 600m<sup>2</sup> 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 the relevant requirements of the Planning Scheme except for Clause 6.2.1 (Lot Size and Configuration for Subdivision in Zones LR, LMR, MR and HR).

The subject site is within Zone FD (Future Development), where the purpose is to *'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 zoning plan provided as part of the application shows that the intended zoning of the residential lots is Zone LMR (Low-Medium Density Residential) and Zone PS (Public Open Space) for the open space lots in line with the Palmerston Eastern Suburbs Area Plan.

The building setback plan submitted with the proposal provides a coordinated approach to building setbacks and meets the purpose of Clause 5.4.3.3 (Reduced Setbacks for Dwellings-Single) in that it will allow for further flexibility in the design and siting of dwellings-single. It is recommended that the applicant update the building setback plan to nominate a 'primary street' frontage for corner lots 13, 14, 21, 32,

41, 42 and 52. Identifying which frontage should be considered as the primary street would avoid the need for future landowners to submit development applications to vary setback requirements in order to fully utilise their land. Once updated, the building setback plan is considered appropriate to be incorporated into Schedule 9 of the NT Planning Scheme.

At the Hearing, the Chair questioned whether the applicant was happy with the conditions recommended in the Development Assessment Services report. The applicant agreed with the recommendation, however questioned the suitability of condition precedent 3, which requires the submission of engineering design plans and specifications to City of Palmerston. The applicant explained the difficulties of clearing this condition prior to endorsement of plans due to the significant amount of work involved. The applicant further explained that future lot numbers could only be generated and in turn lots sold after plans have been endorsed. The DCA noted the applicant's concerns and reiterated that the condition precedent required submission of engineering design plans and specifications prior to commencement of works rather than endorsement of plans. Further, the DCA determined to alter the wording of condition precedent 3 to ensure that engineering plans were not only submitted to, but also approved by City of Palmerston prior to the commencement of works in line with Council's request. This has been standard practice for previous stages of Zuccoli and is not considered to impact on the applicant's concerns, as plans can still be endorsed before detailed engineering designs and specifications are submitted to and approved by Council.

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 6.2.1 (Lot Size and Configuration for Subdivision in Zones LR, LMR, MR and HR), because the proposal will result in four lots greater than 600m<sup>2</sup> that cannot accommodate a 17m x 17m building envelope.

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 6.2.1 (Lot Size and Configuration for Subdivision in Zones LR, LMR, MR and HR) in that the four non-compliant lots are of an adequate size, configuration and orientation to facilitate the development of a dwelling-single with associated building setbacks. Administratively, the consent authority may consent to a

subdivision that is not in accordance with sub-clause 6, only if it is satisfied the subdivision is consistent with the purpose of this clause and the zone purpose and outcomes.

This proposal results in four lots greater than 600m<sup>2</sup> that cannot accommodate a 17m x 17m building envelope. Lots 11, 22, 24 and 42 are irregular in shape due to the curved road alignments within the subdivision area. Despite the additional area that has been added, the lots are capable of supporting a building envelope of 8m x 15m exclusive of any required building setbacks as per the requirements for lots of 450m<sup>2</sup> to less than 600m<sup>2</sup>. The consequence of the additional area is that the occupants of these lots will have a larger area of private open space.

At the Hearing, the Chair questioned the applicant in relation to the proposed variation. The applicant confirmed that Lots 11, 22, 24 and 42 can be developed with the common building typologies used throughout the estate. He noted that these lots exceed minimum frontage requirements and can all accommodate a dwelling and double garage, whilst adhering to building setback requirements.

The variation is considered to meet the purpose of Clause 6.2.1 in that the lots are of an adequate size, configuration and orientation to facilitate the development of a reasonably sized dwelling-single with associated building setbacks. The lots remain consistent with the purpose of Zone LMR, which is to provide a range of low rise housing options that contribute to the streetscape and residential amenity in locations supported by community services and with full reticulated services.

- (b) 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 Clause 6.2.1 (Lot Size and Configuration 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 the development on the land and on other land, the physical characteristics of which may be affected by the development.

The land is within Zone FD (Future Development) and has been identified for urban development on the Palmerston Eastern Suburbs Area Plan. The engineering report submitted with the application confirms that land can be serviced to support the intended future residential development. 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



available at <https://nt.gov.au/environment/soil-land-vegetation>. The ESCP must be developed and/or certified by a Certified Professional in Erosion and Sediment Control (CPESC) to the satisfaction of the consent authority. The ESCP should be submitted for acceptance prior to the commencement of any earth disturbing activities (including clearing and early works) to Development Assessment Services via email: [das.ntg@nt.gov.au](mailto:das.ntg@nt.gov.au).

4. Prior to the commencement of works (including site preparation), the developer must submit an updated water and sewer infrastructure master plan and design report for the entire Zuccoli Aspire development. The master plan and design report must be satisfactory and accepted by Power and Water prior to any commencement of construction.
5. Prior to works commencing, a Weed Management Plan (WMP) is to be submitted to and approved by the Consent Authority on the advice of the Department of Environment, Parks and Water Security. The WMP must be developed and implemented so as to meet the minimum gamba grass management requirements for the proposed parcel sizes in the Class B Zone area as described in the Weed Management Plan for Gamba Grass 2020-2030. The WMP should include vehicle and equipment hygiene controls in line with the key principles for weed spread prevention as outlined in the Weed Management Branch document 'Preventing weed spread is everybody's business'. The WMP should detail methods, treatments and timing for effective gamba grass management on the site during the development, so that gamba grass is satisfactorily managed at completion of works for all proposed or existing lots. Information and documents on weed management is available at [www.nt.gov.au/weeds](http://www.nt.gov.au/weeds). The WMP should be emailed for assessment to [DevelopmentAssessment.DEPWS@nt.gov.au](mailto:DevelopmentAssessment.DEPWS@nt.gov.au).

## 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 facilities and telecommunication networks to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
8. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for approval by the Surveyor General.
9. All affected roads, street lighting, stormwater drainage, site earthworks, vehicular access, pedestrian/ cycle corridors and streetscaping are to be carried out to the technical requirements of City of Palmerston, to the satisfaction of the consent authority. Any reinstatement works are to be carried out to the technical standards of the City of Palmerston including grassing the verge between the property boundary and the kerb.



10. 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.
11. 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 600m<sup>2</sup> 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.
12. All works relating to this permit must be undertaken in accordance with the endorsed Type 2 Erosion and Sediment Control Plan (ESCP) to the requirements of the consent authority. Should the endorsed Type 2 Erosion and Sediment Control Plan (ESCP) need to be amended, the revised ESCP must be developed and/or certified by a Certified Professional in Erosion and Sediment Control (CPESC) to the satisfaction of the consent authority. The revised ESCP should be submitted for acceptance to Development Assessment Services via email: [das.ntg@nt.gov.au](mailto: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, to the satisfaction of the consent authority. For further information refer to Note 1 below. At completion of works, clearance should be sought from the Department of Environment Parks and Water Security regarding satisfactory implementation of permanent erosion and sediment control measures and site stabilisation. To arrange a clearance site inspection, email the Development Coordination Branch at: [depws@nt.gov.au](mailto:depws@nt.gov.au).
14. All works relating to this permit are to be undertaken in accordance with the approved Weed Management Plan, to the requirements of the consent authority on the advice of the Department of Environment, Parks and Water Security.

## NOTES

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([waterdevelopment@powerwater.com.au](mailto:waterdevelopment@powerwater.com.au)) and Power Network Engineering Section ([powerdevelopment@powerwater.com.au](mailto: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. 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](mailto:info@ntbuild.com.au)) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
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. 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. 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](mailto:place.names@nt.gov.au). Further information can be found at [www.placenames.nt.gov.au](http://www.placenames.nt.gov.au).
6. The Surveyor-General advises you should immediately make application for street addresses to the Survey and Land Records unit on (08) 8995 5354 ([surveylandrecords@nt.gov.au](mailto:surveylandrecords@nt.gov.au)).
7. A Permit to Work Within a Road Reserve may be required from the City of Palmerston before commencement of any work within a road reserve.
8. Information regarding erosion and sediment control can be obtained from the IECA Best Practice Erosion and Sediment Control 2008 books available at [www.austieca.com.au](http://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.

## REASONS FOR THE DECISION

1. Pursuant to section 51(1)(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The NT Planning Scheme 2020 applies to the land and subdivision requires consent under Clause 1.8 (When development consent is required). It is identified as Impact Assessable under Clause 4.27 (Zone FD Future Development), therefore Clause 2.4 Strategic Framework (Darwin Regional Land Use Plan 2015 and Palmerston Eastern Suburbs Plan Principles and Area Plan), Clause 3.7 Overlay LSSS (Land Subject to Storm Surge), Clause 6.2.1 Lot Size and Configuration for Subdivision in Zones LR, LMR, MR and HR, Clause 6.2.2 Lots less than 600 m<sup>2</sup> for Dwellings – Single, Clause 6.2.3 Site Characteristics for Subdivision in Zones LR, LMR, MR and HR, Clause 6.2.4 Infrastructure and Community Facilities for Subdivision in Zones LR, LMR, MR and HR and Clause 6.5.1 Subdivision in Zone FD, need to be considered.

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

The subject site is within Zone FD (Future Development), where the purpose is to *'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 zoning plan provided as part of the application shows that the intended zoning of the residential lots is Zone LMR (Low-Medium Density Residential), Zone C (Commercial) and Zone PS (Public Open Space) for the open space lots in line with the Palmerston Eastern Suburbs Area Plan.

The building setback plan submitted as part of the application provides a coordinated approach to building setbacks and meets the purpose of Clause 5.4.3.3 (Reduced Setbacks for Dwellings-Single) in that it will allow for further flexibility in the design and siting of dwellings-single. It is recommended that the applicant remove the 0.3m setback for lot 10, given an existing 0.3m setback for existing Lot 14854 (72) Bloodwood Street, Zuccoli along the adjoining boundary. Once changed, the setback plan is considered appropriate to be incorporated into Schedule 9 of the NT Planning Scheme. This will occur during the zoning normalisation across Stage 4D.

At the Hearing, the Chair questioned whether the applicant was happy with the conditions recommended in the Development Assessment Services report. The applicant agreed with the recommendation, however questioned the suitability of condition precedent 3, which requires the submission of engineering design plans and specifications to City of Palmerston. The applicant explained the difficulties of clearing this condition prior to endorsement of plans due to the significant amount of work involved. The applicant further explained

that future lot numbers could only be generated and in turn lots sold after plans have been endorsed. The DCA noted the applicant's concerns and reiterated that the condition precedent required submission of engineering design plans and specifications prior to commencement of works rather than endorsement of plans. Further, the DCA determined to alter the wording of condition precedent 3 to ensure that engineering plans were not only submitted to, but also approved by City of Palmerston prior to the commencement of works in line with Council's request. This has been standard practice for previous stages of Zuccoli and is not considered to impact on the applicant's concerns, as plans can still be endorsed before detailed engineering designs and specifications are submitted to and approved by Council.

2. Pursuant to section 51(1)(j) of the *Planning Act 1999*, the consent authority must take into consideration the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.

The land has been identified for urban development and the application has demonstrated that the land can be serviced, engineered and graded to support the subdivision. The Department of Environment, Parks and Water Security (DEPWS) requires a Type 2 ESCP due to the size, type of works and location adjacent to and within a natural drainage area. The site includes some areas of slope over 2%, with cut and fill proposed to decrease sloping and mitigate potential land capability issues.

At the hearing, the Chair confirmed an addendum to the DAS report which recommended an additional condition precedent requested by Water Services, for the submission of an updated water and sewer infrastructure master plan and design report for the entire Zuccoli Aspire development. This was noted as being acceptable to the applicant and is included as condition precedent 4 on the permit.

3. Pursuant to section 51(1)(k) of the *Planning Act 1999*, the consent authority must take into account the public facilities or public open space available in the area in which the land is situated and the requirement, if any, for the facilities, or land suitable for public recreation, to be provided by the developer.

The public open space lot to be created through this subdivision has a total of 9,440m<sup>2</sup>. The landscape concept plan provided as part of the application includes a playground, events lawn, landscape plantings, plus footpaths along each edge of the commercial lot. The landscape concept plan is expected to provide for the recreation needs of the community, while integrating with the future neighbourhood centre.

4. Pursuant to section 51(1)(n) of the Planning Act 1999, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated.

The subdivision will result in a change to the amenity as the area currently undeveloped, however the subdivision is in accordance with the expected future development of the area. The subdivision is expected to integrate with the existing residential pattern of the area. The subdivision will provide more public open space as well as commercial land for future development of a neighbourhood centre, in keeping with relevant policies within the Palmerston Eastern Suburbs Area Plan.

At the hearing, the possible future use of the commercial lot and of the events lawn within the public open space was discussed, with regard to any potential for future residential amenity impacts for dwellings-single. It was noted that the most proximate lots adjoining the public open space are shown on the masterplan as commercial mixed use with residential above. The future use of the commercial lot and subdivisions proposing lots intended for dwellings-single will be a matter for future consideration for the authority and subject to separate planning applications. The use of the events lawn within the public open space will also be subject to consideration by Council as the intended future owner of this lot.

**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

20 March 2022