



DEVELOPMENT CONSENT AUTHORITY

PALMERSTON DIVISION

MINUTES

MEETING No. 249 – WEDNESDAY 20 APRIL 2022

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

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

APOLOGIES: Sarah Henderson

LEAVE OF ABSENCE: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary) Adelle Godfrey and Emily Hardy
(Development Assessment Services)

COUNCIL REPRESENTATIVE: Peter Lander

Meeting opened at 10.00 am and closed at 11.00 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 UNIT TITLE SCHEMES SUBDIVISION TO CREATE SIX UNITS AND COMMON
PA2022/0061 PROPERTY
 LOT 12087 & LOT 13750 (18) LASIANDRA AVENUE, ZUCCOLI, TOWN OF
 PALMERSTON
APPLICANT Tatam Planning Co

Applicant – Cat Tatam (Tatam Planning Co) and Kevin Dodd (Earl James and Associates) attended.

Landowner - Clement Williams (General Manager, Bellamack Pty Ltd) attended via videolink.

RESOLVED That, pursuant to section 53(a) of the *Planning Act 1999*, the Development Consent
8/22 Authority consent to the application to develop Lot 12087, Zuccoli, Town of
 Palmerston for the purpose of unit title schemes subdivision to create six units and
 common property, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of works (including site preparation), in principle approval is required for waste disposal, storage and removal in accordance with City of Palmerston’s waste management policy, to the requirements of the City of Palmerston, to the satisfaction of the consent authority.
2. Prior to the commencement of works (including site preparation), in principle approval is required for the crossover/s and driveway/s to the site from the City of Palmerston’s road reserve, to the satisfaction of the consent authority.
3. Prior to the commencement of works (including site preparation), a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Palmerston’s stormwater drainage system shall be submitted to and approved by the City of Palmerston, to the satisfaction of the consent authority.

GENERAL CONDITIONS

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

6. 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.
7. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to City of Palmerston, to the satisfaction of the consent authority.
8. 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 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
10. Prior to the use/occupation of the development and connection of services (i.e. power and water), the owner of the land must apply for street addressing from the Surveyor-General of the Northern Territory. This will form the legal address and will be required to be placed on the meters within the development in accordance with the allocation. An Occupancy Permit will not be able to be granted until such time as addressing is obtained.”
11. 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 as service authority easements, communal open space, 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.
12. Prior to new titles being issued, the developer must provide a sealed driveway on common property providing access to each unit, to the satisfaction of the consent authority.
13. Prior to new titles being issued, the developer must provide a fence along the northern boundary of the site, to the satisfaction of the consent authority.

14. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the City of Palmerston, to the satisfaction of the consent authority. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways;
 - (c) collect stormwater and discharge it to the drainage network; and
 - (d) undertake reinstatement works;
all to the technical requirements of and at no cost to the City of Palmerston, to the satisfaction of the consent authority.
15. Storage for waste disposal bins is to be provided to the requirements of City of Palmerston to the satisfaction of the consent authority.
16. 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.

NOTES

1. The subdivision results in a unit title subdivision creating six units and common property, including a private driveway. The proponent is requested to inform future land owners of the nature of the development, to ensure future land owners understand the entitlements and contributions associated with the unit title scheme subdivision.
2. 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
3. The Surveyor-General advises you should immediately make application for unit/street addresses to the Survey and Land Records unit on (08) 8995 5346 (surveylandrecords@nt.gov.au).
4. A "Permit to Work Within a Road Reserve" may be required from (insert relevant Council or Transport Civil Services Division of the Department of Infrastructure, Planning and Logistics) before commencement of any work within the road reserve.
5. 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.

6. 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.
7. 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/>

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 unit title schemes 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 Darwin Regional Land Use Plan and the Palmerston Eastern Suburbs Area Plan which are relevant to this application), zone purpose and outcomes of Clause 4.3 (Zone LMR, Low-Medium Density Residential), and Clause 6.6.1 (Subdivision for the Purposes of a Unit Title Scheme) need to be considered.

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.

The land is within an area identified for 'urban residential' on the Palmerston Eastern Suburbs Area Plan, and within a compact neighbourhood area which seeks to maximise the number of dwellings within a 400m walk to a neighbourhood centre and bus stop. The proposal will contribute towards a mix of housing types by providing an alternative housing product adjacent to a park and close to services. The proposal is considered to support the Palmerston Eastern Suburbs Planning Principles and Area Plan.

The land is in Zone LMR (Low-Medium Density Residential) where the purpose 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 facilities, and where full reticulated services are available."*

The vacant units will facilitate the development of dwellings-group at a density envisaged by Zone LMR, in a location which is supported by community services and facilities. The land can be serviced to support its future development. Zone outcome 5 provides that *“Building design, site layout and landscaping provide a sympathetic interface to the adjoining public spaces and between neighbours, provides privacy and attractive outdoor spaces”*. The layout of the units is not expected to frustrate the future achievement of zone outcome 5, once built form is proposed.

The application has been assessed against Clause 6.6.1 (Subdivision for the Purposes of a Unit Titles Scheme), and is found to comply. The proposal is expected to achieve the purpose of the clause in that *“...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...”*. The subdivision will allow for each unit to be developed as a dwelling-group with access via the common property.

Sub-clause 7 provides *“Where a subdivision to create a unit title scheme proposes that the land will be vacant at the time titles issue, the land area of individual units should be consistent with the relevant minimum lot size. For the purpose of sub-clause 7, “land area” does not include:*

- (a) common property*
- (b) land that will be permanently inundated; or*
- (c) a marina berth.”*

The relevant minimum lot size is provided by Clause 6.2.1 (Lot Size and Configuration for Subdivision in Zones LR, LMR, MR and HR), requiring a minimum lot size in Zone LMR of 300m². The subdivision plan shows that the units will range in size from 318m² to 390m². As the proposed units exceed the minimum lot size, the proposal satisfies the requirements of Clause 6.6.1.

Guidance has been found from the building envelope requirements of Clause 6.2.1 also. The purpose of Clause 6.2.1 is *“Ensure that subdivision of land for urban residential purposes creates lots of a size, configuration and orientation suitable for residential development at a density envisaged by the zone.”* A building envelope of 7m x 15m would be required if the proposal was for subdivision into freehold lots of 300m² to less than 450m. The building envelope is to be accommodated exclusive of any boundary setbacks or service authority easements.

Lasiandra Road is the primary street frontage as it is expected to carry a greater volume of traffic, and Turkeybush Way is considered the secondary street frontage. A future dwelling-group would be required to include a 6m setback from Lasiandra Road and a 2.5m setback from Turkeybush Way. The application has provided a building envelope plan which shows each unit can accommodate a 7m x 15m building envelope, exclusive of boundary setbacks and service authority easements.

A condition requiring the submission of a scheme statement is included, to ensure that the unit title scheme statement does not conflict with any relevant requirements under the Planning Scheme.

A condition requiring the internal driveway be constructed prior to titles being issued is included to ensure the common property provides suitable access to each unit. At the hearing, the consent authority queried the intent for fencing of the subdivision, and the applicant commented that consistent fencing is intended along the northern boundary to the site adjacent to the public open space. The consent authority has included a condition requiring this to be constructed prior to titles being issued.

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

The land is within Zone LMR (Low-Medium Density Residential) and has been identified for urban development on the Palmerston Eastern Suburbs Area Plan. A master services plan is provided which shows the subject site can be serviced by water, sewerage and power. No land capability issues have been identified during assessment of the proposal. Additionally, Department of Environment, Parks and Water Security did not identify or raise any issues or concerns in relation to land capability.

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.

Conditions precedent have been requested by the City of Palmerston for driveway crossovers and waste collection to be resolved prior to any works commencing on the site, and have been included in the schedule of conditions. Other servicing requirements for power, water, sewer and stormwater are addressed through standard conditions.

At the hearing, the consent authority queried the need for a bin pad on Council's verge. The applicant commented that a bin pad will only be constructed if required by Council.

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 unit title schemes subdivision is unlikely to impact the existing and future amenity of the area. The future development of the land will

require planning consent, and consideration of possible amenity impacts of physical development of the land at that time.

FOR: 3

AGAINST: 0

ABSTAIN: 0

ACTION:

Notice of Consent and Development Permit

**ITEM 2
PA2022/0058**

DWELLINGS-GROUP (1 X 2 BEDROOM AND 19 X 3 BEDROOM) IN 12 SINGLE STOREY BUILDINGS

APPLICANT

LOT 13502 (6) TUCKEROO BOULEVARD, ZUCCOLI, TOWN OF PALMERSTON
Cunnington Rosse Town Planning and Consulting

Athina-Pascoe Bell advised that she is a Community Member of the Development Consent Authority and Mayor of the City of Palmerston. The City of Palmerston is a submitter to this application under Section 49 of the *Planning Act 1999*.

The Chair noted that section 98A of the *Planning Act 1999* – Independence of Community Members – contemplates that Community Members, while acting independently, may take account of opinion of a local government council in relation to a development application. Further no parties present raised any concerns with Ms Pascoe-Bell considering the application. Pursuant to section 97 of the *Planning Act 1999* the Chair determined that Ms Pascoe-Bell's position as Mayor was not significant or relevant and permitted Ms Pascoe-Bell to form part of the quorum and participate in the determination of this item.

Applicant – Brad Cunnington and Alex Deutrom (Cunnington Rosse Town Planning and Consulting) attended.

Submitter – City of Palmerston represented by Peter Lander attended.

**RESOLVED
9/22**

That, the Development Consent Authority vary the requirements of Clauses 5.4.3.1 (Additional Setback Requirements for Residential Buildings longer than 18 metres and for Residential Buildings over 4 storeys in Height), Clause 5.4.3.2 (Distance Between Residential Buildings on one Site) and Clause 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 Lot 13502 (6) Tuckeroo Boulevard, Zuccoli, Town of Palmerston for the purpose of dwellings-group (1 x 2 bedroom and 19 x 3 bedroom) in 12 single storey buildings, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of works (including site preparation), a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Palmerston stormwater drainage system shall be submitted to and approved by the City of Palmerston, to the satisfaction of the consent authority.
2. Prior to the commencement of works (including site preparation), in principle approval is required for the crossover/s and driveway/s to the site from the City of Palmerston, to the satisfaction of the consent authority. The request

for approval is to include a report from a suitably qualified engineer addressing safety for pedestrian/cycle paths and vehicular access.

3. Prior to the commencement of works (including site preparation), in principle approval is required for waste disposal, storage and removal in accordance with City of Palmerston's waste management policy, to the requirements of the City of Palmerston, to the satisfaction of the consent authority.

GENERAL CONDITIONS

4. The works carried out under this permit shall be in accordance with the drawings, endorsed as forming part of this permit.
5. 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.
6. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
7. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created.
8. All works recommended by the traffic impact assessment are to be completed to the requirements of the City of Palmerston to the satisfaction of the consent authority.
9. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to City of Palmerston, to the satisfaction of the consent authority.
10. 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 Council an email addressed to both landdevelopmentnorth@powerwater.com.au and powerconnections@powerwater.com.au.
11. Any reinstatement works required as a result of any damage or alterations caused to infrastructure or landscaping must be undertaken by the developer, to the technical standards of and at no cost to the City of Palmerston, to the satisfaction of the consent authority. This includes grassing the verge between the property boundary and the kerb.
12. Storage for waste disposal bins is to be provided to the requirements of City of Palmerston to the satisfaction of the consent authority.

13. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
14. Before the use/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.
15. 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.
16. Before the use or occupation of the development starts, the area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat;
 - (d) drained; and
 - (e) clearly marked to show the direction of traffic along access lanes and driveways to the satisfaction of the consent authority.Car parking spaces, access lanes and driveways must be kept available for these purposes at all times.
17. The private open space areas of each dwelling shall be screened on each 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.
18. 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.
19. 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) 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. The Surveyor-General advises you should immediately make application for unit/street addresses to the Survey and Land Records unit on (08) 8995 5354 (surveylandrecords@nt.gov.au).
3. 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.
4. A "Permit to Work Within a Road Reserve" may be required from City of Palmerston before commencement of any work within the road reserve.
5. 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.

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 dwellings-group requires consent under Clause 1.8 (When development consent is required). It is identified as *Impact Assessable* under Clause 4.4 (Zone MR), therefore the strategic framework under Darwin Regional Land Use Plan and Palmerston Eastern Suburbs Planning Principles and Area Plan, zone purpose and outcomes of Clause 4.4 Zone MR (Medium Density Residential) and Clause 5.2.4 (Vehicle Parking), Clause 5.2.6 (Landscaping), Clause 5.4.1 (Residential Density Limitations), Clause 5.4.2 (Residential Height Limitations), Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures), Clause 5.4.3.1 (Additional Setback Requirements for Residential Buildings longer than 18 metres and for Residential Buildings over 4 storeys in Height), Clause 5.4.3.2 (Distance Between Residential Buildings on one Site), Clause 5.4.6 (Private Open Space) and Clause 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 Clause 5.4.3.1 (Additional Setback Requirements for Residential Buildings longer than 18 metres and for Residential Buildings over 4 storeys in Height), Clause 5.4.3.2 (Distance Between Residential Buildings on one Site), and Clause 5.4.6 (Private Open Space).

The application is determined to be consistent with the Palmerston Eastern Suburbs Planning Principles and Area Plan and Zone MR. The site is shown within a compact neighbourhood on the area plan, with the Planning Principles providing that future development is to *“Provide a range of both lot sizes and housing choice to cater for diverse household types by:*

(a) creating a mix of lot sizes for dwellings-single, dwellings-group and / or dwellings-multiple ;

(b) associating medium density housing including, townhouses and apartments and accommodation for aged persons and people requiring assistance with neighbourhood centres or areas of high amenity; and

(c) providing rural residential lots as a further choice and to serve as buffers between urban residential areas and existing rural living or potential biting insect areas.”

The purpose of Zone MR is to *“provide a range of medium rise housing options close to community facilities, commercial uses, public transport or open space, where reticulated services can support medium density residential development”*.

The development provides a consistent scale of housing and is in keeping with the character of the area. The development is for dwellings-group rather than dwellings-single, which is the dominant type of housing in the area. At the hearing, the consent authority noted that the NT Planning Scheme 2020 does not provide for minimum density requirements and rather focusses on maximum density requirements.

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).

(a) The proposal is generally consistent with the purpose of Clause 5.4.3.1 (Additional Setback Requirements for Residential Buildings longer than 18 metres and for Residential Buildings over 4 storeys in Height). The purpose of this clause is to *“Ensure that residential buildings respond to the potential adverse effects of building massing and visual bulk when viewed from adjoining land and the street”*. Administratively, *“The consent authority may consent to a development that is not in accordance with sub-clause 3 if it is satisfied it is consistent with the purpose of this clause and that the design of the development adequately mitigates the adverse effects of building massing and visual bulk that may arise from non-conformity with sub-clause 3”*.

The non-compliance adjacent to the northern boundary occurs as a result of the length of the building housing Units 3-5, Units 16-18 and 19-20. It is considered unlikely the massing will have an adverse impact

on the site or surrounding area due to the adjoining land use which is currently vacant and used as drainage and open space. The building massing has also been reduced through the building design to incorporate open space and porticos between buildings to lessen the visual bulk when viewed from adjoining land or the street.

When considering the proposed variation for units 16-18 and 19-20 the development has used various design elements that mitigate any potential impact to the surrounding area from building massing. The development incorporates landscaping, fencing, deliberate stepping of the building, varied roof heights and location of porticos attached to the dwellings for private open space. The lowered roof sections between the scallion roof components allows views through the building, further reducing bulk. Combined with the single storey design of the dwellings, the overall visual bulk of the development has been minimised.

The proposal is generally consistent with the purpose of Clause 5.4.3.2 (Distance Between Residential Buildings on one Site) in that the proposal will *“Ensure residential buildings provide a sympathetic interface with the streetscape and surrounding development, minimise adverse effects of building massing, and avoid undue overlooking of adjoining residential buildings and private open space”*. Administratively, *“The consent authority may consent to a development that is not in accordance with sub-clauses 2 and 3 only if it is satisfied it is consistent with the purpose of this clause and that the design of the development adequately mitigates the adverse effects of building massing and privacy and overlooking impacts that may arise from non-conformity with sub-clauses 2 and 3”*.

A 2.5m setback is required between buildings, however 1.189 metres is proposed between units 8 and 9. The variation is between two carports and not adjoining habitable room windows. Based on the location of units 8 and 9, being in the centre of the development as well as the setback of habitable room windows, it is considered unlikely to impact the dwellings or surrounding development. The variation does not adjoin any boundaries and therefore does not impact on the streetscape or adjoining landowners, meeting the purpose of the clause.

The proposal is generally consistent with Clause 5.4.6 Private Open Space in that the proposal will *“extend the function of a dwelling and enhance the residential environment by ensuring that each dwelling has private open space...”*. Administratively, *“The consent authority may consent to private open space that is not in accordance with sub-clauses 4 and 5 only if 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”*.

Unit 16 does not achieve the requirement to provide direct access to 24m² for Area B open space due to the location adjacent to a boundary truncation. Despite this, Unit 16 achieves an overall open space of

90m², and provides an adequate size area for domestic purposes, includes landscaping and tree planting and provides permeability to the site for stormwater infiltration. Despite the irregularly shaped open space, the open space is considered to appropriately extend the function of the dwelling and provide appropriate amenity.

The consent authority also queried the car parking provision for unit 8, and the applicant confirmed there was a drawing error on the plan cover sheet and that 2 spaces is achieved for unit 8. The development complies with car parking requirements.

- (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 5.4.3.1 (Additional Setback Requirements for Residential Buildings longer than 18 metres and for Residential Buildings over 4 storeys in Height), Clause 5.4.3.2 (Distance Between Residential Buildings on one Site) and Clause 5.4.6 (Private Open Space), as identified above.
3. Pursuant to section 51(e) of the *Planning Act 1999*, the consent authority must take into consideration any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application.

One submission was received under section 49 of the Act from the City of Palmerston (Council). The submission objected based on the following grounds: the application does not align with the Palmerston Eastern Suburbs Area Plan and Zone MR (Medium Density Residential) in terms of density, and concerns of waste; and landscaping requirements not meeting the proposed planning scheme amendment changes.

The consent authority discussed the above matters with Council at the hearing. Council did not provide additional comments at the hearing in relation to the objections to the proposed density or landscaping provided within the submission.

The consent authority determined the density of the application is appropriate given the existing character and dwelling scale of the area, and in that the proposal allows a different housing type at a higher density than the majority of dwellings-single established in the broader area, in a location proximate to services, transport and a neighbourhood centre.

The concerns regarding landscaping were noted by the consent authority as related to a proposed planning scheme amendment, and that the application complies with Clause 5.2.6 (Landscaping) which does not currently require a landscape interface treatment to the adjacent land zoned CP (Community Purpose).

4. 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 application was circulated to the relevant authorities and comments received from these authorities are addressed by the inclusion of conditions and/or notations on the development permit as required.

Council requested a traffic impact assessment report addressing impacts on the adjoining roads and the adjoining site, which was recommended as a condition precedent in the report to the consent authority. The applicant noted appropriate access arrangements would be required, however they did not agree with the inclusion of a condition precedent for a traffic impact assessment, based on the extent of investigation required as well as the development being located within a newly developed area that would have considered traffic volumes prior to the land being rezoned. The authority queried with Council the request for a traffic impact assessment, and Council confirmed the request primarily related to evaluating traffic safety concerns for the proposal. The authority determined to amend the conditions precedent, to remove the requirement for a traffic impact assessment, and require that the application for driveway crossover approval is to include an engineer's report addressing access and safety to the requirements of City of Palmerston, to the satisfaction of the consent authority.

The consent authority was satisfied concerns relating to waste raised by Council can also be addressed through a condition precedent on a development permit.

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

The development proposed is consistent with the primary purpose of Zone MR (Medium Density Residential), which is to provide a range of medium rise housing options that contribute to the streetscape and do not impact on the residential amenity of the area, while also being connected to reticulated services. While the application is not considered medium density housing, it is in keeping with the character of the surrounding area and provides affordable housing options in proximity to a services, including transport and a neighbourhood centre.

The assessment concludes that the scale of the built form of single storey dwellings-group is anticipated to be compatible with the streetscape that has a mix of zones and with any development that may

be reasonably anticipated within the locality. The reduced setbacks to the primary adjoining Tuckeroo Boulevard and side/rear boundary to the north are unlikely to be immediately apparent from the street due the building articulation, landscaping, fencing and mix of materials and finishes.

Furthermore, the development is well articulated with staggered building façades, use of various building materials and landscaping to enhance visual amenity and interest when viewed from the street.

Overall, the building design articulates the façades in a manner that portions of the building are recessed with different materials and colours to give a softer visual look and reduce massing when viewed from the street.

FOR: 3

AGAINST: 0

ABSTAIN: 0

ACTION:

Notice of Determination

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

SUZANNE PHILIP

Chair

21 April 2022