



## **DEVELOPMENT CONSENT AUTHORITY**

### **PALMERSTON DIVISION**

### **MINUTES**

**MEETING No. 256 – FRIDAY 10 FEBRUARY 2023**

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

**MEMBERS PRESENT:** Suzanne Philip (Chair), Trevor Dalton, Sarah Henderson and Ben Giesecke

**APOLOGIES:** Athina Pascoe-Bell and Monica Baumgartner

**LEAVE OF ABSENCE:** Nil

**OFFICERS PRESENT:** Margaret Macintyre (Secretary), Adelle Godfrey and Breanna Lusty  
(Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Peter Lander and Jelise Camilleri

**Meeting opened at 9.45 am and closed at 10.40 am**

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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 53 LOTS**  
**PA2022/0431**        **LOTS 12432 AND 12433, ZUCCOLI PARADE, ZUCCOLI, TOWN OF**  
**PALMERSTON**  
**APPLICANT**        June D'Rozario & Associates Pty Ltd

Applicant - June D'Rozario (June D'Rozario & Associates Pty Ltd), Hermanus Louw (Development Manager - Costojic) and Louise Human (Costojic) attended.

**RESOLVED**            That, the Development Consent Authority vary the requirements of Clauses 6.2.1 (Site  
**02/23**                    Lot Size and Configuration for Subdivision in Zones LR, LMR, MR and HR) and 6.2.3 Site  
Characteristics for Subdivision in Zones LR, LMR, MR and HR of the Northern Territory  
Planning Scheme 2020, and pursuant to section 53(a) of the *Planning Act 1999*, consent  
to the application to develop Lots 12432 & 12433, Zuccoli Parade, Zuccoli, Town of  
Palmerston for the purpose of subdivision to create 53 lots (Zuccoli Aspire Stage 4B),  
subject to the following conditions:

### CONDITIONS PRECEDENT

1. Prior to the commencement of works, an update of the traffic impact assessment submitted within the application (dated 2016) is to be provided to the requirements of the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority. The assessment is to detail traffic generation, trip distribution, and any measures required to accommodate/mitigate the traffic impacts of the development, effects on NTG controlled roads, and the impacts and walkability to public transport and connectivity to pedestrian and cycle facilities.
2. 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 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 in accordance with the Department of Environment, Parks and Water Security Erosion and Sediment Control Plan (ESCP) procedures as updated (see note 1). The ESCP must be 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](mailto:das.ntg@nt.gov.au).

### 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 and telecommunication networks to each lot shown on the endorsed plan in accordance with the

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authorities' requirements and relevant legislation at the time. Please refer to notations 1, 2, and 3 for further information.

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. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, site earthworks, vehicular access, pedestrian/ cycle corridors and streetscaping 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.
8. 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.
9. All works recommended by the traffic impact assessment are to be completed to the requirements of the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics to the satisfaction of the consent authority.
10. 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.
11. 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](mailto:das.ntg@nt.gov.au).
12. 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.
13. 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.

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### 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. 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](http://www.infrastructure.gov.au/tind)
3. If you choose nbn to service your development, you will need to enter into a development agreement with nbn. The first step is to register the development via <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html> once registered nbn will be in contact to discuss the specific requirements for the development. Nbn requires you to apply at least 3 months before any civil works commence. All telecommunications infrastructure should be built to nbn guidelines found at <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/builders-designers.html>
4. 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)
5. 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](mailto:surveylandrecords@nt.gov.au)).
6. A "Permit to Work Within a Road Reserve" may be required from City of Palmerston before commencement of any work within the road reserve.
7. As part of any subdivision, the parcel numbers for addressing should comply with the Australian Standard (AS/NZS 4819:2011). For more information contact Survey and Land Records [surveylandrecords@nt.gov.au](mailto:surveylandrecords@nt.gov.au) 08 8995 5356. The numbers shown on the plans endorsed as forming part of this permit are indicative only and are not for addressing purposes.
8. 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](mailto:weedinfo@nt.gov.au)

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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. 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/>
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/technical-notes-and-factsheets/land-management-technical-notes-and-fact-sheets>. Information regarding erosion and sediment control can be obtained from the IECA Best Practice Erosion and Sediment Control 2008 books available at [www.austieca.com.au](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 the subdivision requires consent under Clause 1.8 (When development consent is required). It is identified as Impact Assessable under Clause 1.8(1)(c)(ii); therefore, the strategic framework (Part 2 of the Scheme, including the Palmerston Eastern Suburbs Area Plan, zone purpose and outcomes of Clause 4.27 (Zone FD – Future Development), and Clauses 6.5.1 (Subdivision in Zone FD), 6.2.1 (Lot Size and Configuration for Subdivision in Zones LR, LMR, MR and HR), 6.2.2 (Lots Less than 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 Clauses 6.2.1 Lot Size and Configuration for Subdivision in Zones LR, LMR, MR and HR, and 6.2.3 Site Characteristics for Subdivision in Zones LR, LMR, MR and HR.

The land is in Zone FD (Future Development) where the purpose is 'Identify an area that is intended for future rezoning and development in accordance with the Strategic Framework. Development is limited to a level that will not prejudice future development or is compatible with planned future purposes.' The application has addressed Clause 6.5.1 Subdivision in Zone FD and indicated the intended zoning of the residential lots is Zone LMR (Low-Medium Density Residential) and Zone PS (Public Open Space) for the open space lot.

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The subdivision is consistent with the Palmerston Eastern Suburbs Planning Principles and Area Plan as it is within the 400m radius of the planned Zuccoli primary neighbourhood centre, and provides for urban residential lots ranging from 408m<sup>2</sup> - 667m<sup>2</sup>, with an overall density of 14.5 dwellings per hectare. Whilst this stage of the subdivision includes smaller lots, it provides only for a single house type being dwellings-single. The application refers to future sites shown on the master plan (Bookmark B4) as 'commercial mixed use' which could allow for ground floor shop with residential above in Stages 4G & 5B, and 'sites for multiple dwellings (MD/MR)' in Stages 4F, 5B & 5C. Overall and through the completion of future stages of the subdivision including the retention of sites identified for dwellings-multiple, a compact neighbourhood can be achieved at and surrounding the neighbourhood centre and provide for housing choice. The subdivision includes two new local streets with a lineal public open space lot of 3,363m<sup>2</sup> providing a connection between the public open space lots in Stage 4A and 4D.

The land is affected by overlays Clause 3.6 Land Subject to Flooding and 3.7 Land Subject to Storm Surge however this has no implications as the subdivision is situated away from the area subject to flooding and storm surge.

The application included a setback plan which will need to be submitted separately as an application to amend the Planning Scheme to include in Schedule 9, at the time of zone normalisation. The setback plan has been considered and accords with the purpose of Clause 5.4.3.3 to 'provide flexibility for the design and siting of dwellings-single that adopt specified reduced setbacks in a manner that responds to the streetscape and surrounding development.' The submitted plan seeks a variation to sub-clause 3 to allow dwellings to be constructed with a 0.3m gap to the boundary in lieu of erecting the wall to the boundary with no gap. The 0.3m gap is to allow for pest control treatments and footing designs. The plan provides a coordinated approach to reduced setbacks, ensuring that there are no instances of 0.3m setbacks on adjoining boundaries including with adjoining stages. The setback plan has not nominated the 1.5m side setback for lots adjoining the 0.3m setback, however this can be updated at the time of inclusion in Schedule 9. Overall the setback plan is considered to purpose of the clause in that it will allow for future flexibility in the design and siting of dwellings-single.

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 Lot 4B-35 is >600m<sup>2</sup> and irregular in shape, and does not meet the minimum building envelope requirement of 17m x 17m. The consent authority may vary this requirement '...only if it is satisfied the subdivision is consistent with the purpose of this clause and the zone purpose and outcomes.' Despite the variation, the lot will meet the purpose in being of a suitable '...size, configuration and orientation suitable for residential development', and not conflict with the intended Zone LMR purpose, in allowing for '...a range of low rise housing options that contribute to the streetscape and residential amenity in locations supported by community services and facilities, and where full reticulated services are available'.

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The proposal has been found not to be in accordance with Clause 6.2.3 Site Characteristics for Subdivision in Zones LR, LMR, MR and HR, because one section of the subdivision between Bloodwood Street and the south-west corner has a slope of 3 – 4%, which does not comply with sub-clause (3) which requires the subdivision 'Ensure, by site selection or site grading, that areas intended for lots less than 600m<sup>2</sup> do not slope in excess of 2%, such that the need for on-site stormwater structures, retaining walls and the like is minimised.' The consent authority may vary this requirement '...only if it is satisfied the subdivision is consistent with the purpose of this clause.' Despite the variation, the departure from the requirement is considered acceptable and necessary in order to provide lots that are suitable for urban residential development, that respond to the physical characteristics of the land and do not detrimentally impact on surrounding land. The departure is also considered acceptable in order to achieve low-medium density lots within the 400m walkable catchment of the neighbourhood centre as shown on the Area Plan.

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 6.2.1 and 6.2.3, as identified above.

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

The land has been identified for urban development on the Palmerston Eastern Suburbs Area Plan and the application includes an engineering report identifying how the land will be developed. The land has areas which slope greater than 2% as previously identified in Clause 6.2.3, and the engineering report includes detail of the cut and fill required to create lots suitable for 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 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)(k) of the *Planning Act 1999*, the consent authority must take into consideration the public facilities or public open space available in the area in which the land is situated and the requirement, if any, for the facilities, or land suitable for public recreation, to be provided by the developer;

The application includes an overall landscape masterplan which illustrates the overall network/hierarchy of parks across Zuccoli Aspire. This stage of the subdivision includes one public open space lot of 3,363m<sup>2</sup>, which is designed as a lineal connection between the open space areas in Stage 4A to the south-east and the neighbourhood centre. The open space includes a 2.5m wide shared path to connect to the adjacent road and footpath network with trees planted throughout. The open space provided is suitable for the subdivision.

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

The subdivision will result in a change to the amenity of the local area, as the land is currently undeveloped, however this change accords with the broader strategic

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

FOR: 4  
AGAINST: 0  
ABSTAIN: 0

ACTION: Notice of Consent and Development Permit

**ITEM 2** **CHANGES TO DP22/0150 RESULTING IN SUBDIVISION TO CREATE TWO LOTS**  
**PA2022/0442** **LOTS 11809 (APT1), 11810 (APT2) AND 11811 (COMMON PROPERTY)**  
**(18) CLARKE STREET, BELLAMACK, TOWN OF PALMERSTON**  
**APPLICANT** DIPL - Crown Land Estate

Applicant – Ken Gardner (DIPL - Land Development Unit) attended.

Submitters – Janice and Darren Johnson attended.

**RESOLVED**  
**03/23**

That, pursuant to section 53(a) of the *Planning Act 1999*, the Development Consent Authority consent to the application to develop Unit 11809, Apt 1 and Unit 11810, Apt 2 (18) Clarke Street, Bellamack, Town of Palmerston for the purpose of changes to DP22/0150 resulting in subdivision to create two lots, subject to the following conditions:

### GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawing 2022/0166/01 endorsed as forming part of this permit.
2. 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.
3. 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.
4. 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.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage, and electricity to each lot 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. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of City of Palmerston, to the satisfaction of the consent authority.



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7. 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, in accordance with the requirements of City of Palmerston, to the satisfaction of the consent authority.
8. The existing unit title scheme is required to be terminated prior to part 5 clearance for subdivision is granted.
9. 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.

### 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. A "Permit to Work Within a Road Reserve" may be required from City of Palmerston before commencement of any work within the road reserve.
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) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
4. The development must comply with the technical standards of the Northern Territory Subdivision Development Guidelines for the construction of public infrastructure as part of subdivision works to the requirements of the relevant local and service authorities. Prior to any works commencing, it is encouraged that you engage early with the relevant authorities to confirm their requirements, and any variations that may be sought to the Subdivision Development Guidelines, to ensure the works are completed to the relevant authorities' requirements. The Northern Territory Subdivision Development Guidelines can be found at: <https://www.ntlis.nt.gov.au/sdg-online/>

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 Northern Territory Planning Scheme 2020 applies to the land and changes to DP22/0150 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 Darwin Regional Land Use Plan 2015, and 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 Clauses 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. The subdivision is consistent with the Darwin Regional Land Use Plan being shown within the Palmerston urban / peri-urban area, and within the Palmerston Eastern Suburbs Area Plan 3 of 3 being shown as 'Residential'. There are no overlays that apply to the land.

The proposal is consistent with the purpose of Zone LMR (Low-Medium Density Residential) being 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 land was previously developed as two dwellings-multiple, with these dwellings since demolished. The existing unit title scheme is required to be terminated prior to the subdivision being carried out. The subdivision will continue to provide for low-rise housing options as intended in Zone LMR, with the site layout consistent with the previously developed units.

The subdivision fully complies with the Part 6 requirements of the Planning Scheme 2020, including the minimum lot size, frontage, configuration requirements, and will be appropriately integrated with infrastructure, and community services and facilities. In particular, the building envelope requirements are noted as complying with the 7m x 15m envelope required by Clause 6.2.1 Lot Size and Configuration in Zones LR, LMR, MR and HR.

2. Pursuant to section 51(1)(e) of the *Planning Act 1999*, the consent 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.

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One public submission was received during the exhibition period under Section 49 of the *Planning Act 1999* with respect to the proposal. The submission was made by Janice and Darren Johnson, who reside at the neighbouring property to the north-east. Ms & Mr Johnson attended the meeting and spoke to their submission.

The written submission indicated concerns in relation to the impact to property value and future saleability, as well as, noise, building massing when viewed from the street and their property, increase in traffic and, undue overlooking from both proposed lots. In addition, the submission stated that the proposed blocks are small and, if approved, have the ability to increase the density of each lot significantly. At the meeting, Ms & Mr Johnson also detailed their disappointment that survey pegs had already been installed on the development site, and that when they purchased the property they shared a common boundary with only one dwelling along this side.

The neighbours' concerns were noted by the authority. The authority determined that the development is considered consistent with the purpose of Zone LMR (Low-Medium Density Residential) and complies with all relevant Part 6 requirements of the NTPS 2020, including lot sizes and 7m x 15m building envelopes. The land was previously developed as two dwellings-multiple, with these dwellings since demolished. The change in orientation of each lot is not considered to significantly increase the impact to amenity.

The consent authority also noted at the hearing confirmation by the applicant that survey pegs had been installed to suit either orientation (north/south as previously approved under DP22/0150 and east/west as proposed), and also that no physical works had been commenced on site. The applicant also noted at the hearing that the reorientation of the subdivision was being proposed to reduce the development costs of the subdivision, in particular sewer connection costs, ultimately to assist in the delivery of more affordable land for future purchasers.

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

No concerns with regards to land capability have been identified as part of the assessment.

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

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The consent authority determined that the subdivision will not result in any adverse impacts to existing or future amenity, noting it is largely administrative with physical works limited to changes to service provision only. Any future development on the created lots will be subject to the controls of the Northern Territory Planning Scheme 2020.

**FOR:** 4  
**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

13 February 2023