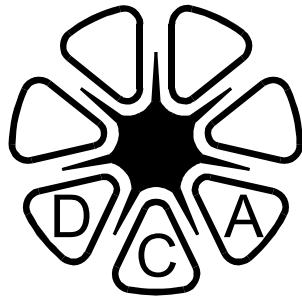




DEVELOPMENT CONSENT AUTHORITY

PALMERSTON DIVISION

MINUTES

MEETING NO. 283 – FRIDAY 10 JULY 2026

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

MEMBERS PRESENT: Suzanne Philip, Trevor Dalton, Elisha Harris, Sarah Henderson and Mark Fraser

APOLOGIES: None

LEAVE OF ABSENCE: None

OFFICERS PRESENT: Benjamin Taylor, Daniel Herlihy and Shaik Aamir Shaik Alaudeen (Development Assessment Services)

COUNCIL REPRESENTATIVE: Christopher Tickner and Ivan Ng

Meeting opened at 10.15 am and closed at 10:30 am

THE MINUTES RECORD OF THE EVIDENTIARY STAGE AND THE DELIBERATIVE STAGE ARE RECORDED SEPARATELY. THESE MINUTES RECORD THE DELIBERATIVE STAGE. THE TWO STAGES ARE GENERALLY HELD AT DIFFERENT TIME DURING THE MEETING AND INVITEES ARE PRESENT FOR THE EVIDENTIARY STAGE ONLY.

ITEM 1 **SUBDIVISION TO CREATE 52 LOTS AND BUILDING SETBACK PLAN**
PA2024/0147 **(ZUCCOLI ASPIRE STAGE 5B)**
 PART LOT 12433, ZUCCOLI PARADE, TOWN OF PALMERSTON
APPLICANT **JUNE D'ROZARIO & ASSOCIATES PTY LTD**
 CUNNINGTON ROSSE TOWN PLANNING & CONSULTING

Applicant: June D'Rozario (June D'Rozario & Associates Pty Ltd) attended.

Submitters in attendance: None

RESOLVED That, the Development Consent Authority vary the requirements of clauses 6.2.1
19/26 (Lot Size and Configuration for Subdivision in Zones LR, LMR, MR and HR), 6.2.3
 (Site Characteristics for Subdivision in Zones LR, LMR, MR and HR), 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) 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 12433, Zuccoli Parade, Zuccoli, Town
 of Palmerston for the purpose of a subdivision to create 52 lots and building
 setback plan (Zuccoli Aspire Stage 5B), subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of drawings, a Part 2 Subdivision Masterplan is to be prepared in accordance with the requirements of the NT Subdivision Development Guidelines (Version 3 – July 2026) and submitted to and approved by City of Palmerston, Power and Water Corporation and the Land Development Unit, Department of Lands, Planning and Environment (as the case may be), to the satisfaction of the consent authority.

The Part 2 Subdivision Masterplan must provide updated sub-plans, for the following:

- Streets and Pathways
- Stormwater Drainage
- Earthworks Design
- Electrical
- Water Supply and Sewerage
- Public Open Space

2. Prior to the endorsement of drawings and prior to commencement of works (including site preparation), drawings to the satisfaction of the consent authority must be submitted to the consent authority for approval. When approved, the drawings will be endorsed and will then form part of the permit. The drawings must be (drawn) to scale with dimensions and must be generally in accordance with the drawings submitted with the application (contained within the agenda report for the 10 July 2026 Development Consent Authority meeting) but modified to show - any adjustments to the subdivision layout resulting from the requirements of Condition Precedent 1.

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 Lands, Planning and Environment (DLPE) ESCP Procedures. The ESCP must be certified by a suitably qualified and experienced professional and must be submitted to Development Assessment Services (via email: das.ntg@nt.gov.au).

GENERAL CONDITIONS

4. The works carried out under this permit shall be in accordance with the plans endorsed as forming part of this permit.
5. 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 and/or Land Development Unit, Department of Lands, Planning and Environment (where applicable), to the satisfaction of the consent authority.
6. All proposed and affected:
 - (a) roads,
 - (b) street lighting,
 - (c) stormwater drainage (including stormwater runoff)
 - (d) site earthworks,
 - (e) vehicular access
 - (f) pedestrian/ cycle corridors,
 - (g) public open space and streetscaping/ landscapingmust be designed and constructed at the owner's expense in accordance with the requirements of the NT Subdivision Development Guidelines (Version 3 – July 2026) and to the technical requirements of the City of Palmerston, and to the requirements of the Land Development Unit, Department of Lands, Planning and Environment (where relevant), to the satisfaction of the consent authority.
7. The Developer must enter into agreement/s with Power and Water Corporation for the provision of water, sewer, electricity services, to each lot shown on the endorsed drawings in accordance with the requirements of the NT Subdivision Development Guidelines (Version 3 – July 2026) and relevant authority policies. Please refer to Notation 5 for further information.
8. Any developments on or adjacent to any easements on site shall be carried out at no cost to, and to the requirements of the relevant service authority to the satisfaction of the consent authority.
9. 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.

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10. All new easements, and amendments to existing easements, to be vested in the Relevant Authority for which the easement is to be created must be shown on the survey plan, to the satisfaction of the consent authority for approval by the Surveyor General.
11. The Developer must enter into agreements with a Telecommunications Carrier for the provision of telecommunication networks supply to each lot shown on the endorsed drawings in accordance with the requirements of the NT Subdivision Development Guidelines (Version 3 – July 2026) and relevant authority policies
12. Should the certified Type 2 ESCP require amendment, the revised ESCP must be certified by a suitably qualified and experienced professional and submitted to Development Assessment Services (via email: das.ntg@nt.gov.au).
13. All works relating to this permit must be undertaken in accordance with the certified Type 2 ESCP.

At completion of works, certification must be provided by a suitably qualified and experienced professional regarding satisfactory implementation of permanent erosion and sediment control measures and site stabilisation. This certification must be submitted to Development Assessment Services via email: das.ntg@nt.gov.au.

14. Before the issue of a “Part 5” (section 62 *Planning Act 1999*) clearance, the developer is to provide, to the consent authority, written confirmation from a suitably qualified person that the earthworks are constructed to an appropriate standard in accordance with the National Construction Code.
15. Prior to issue of “Part 5” (section 62 *Planning Act 1999*) clearance, the developer is to provide written confirmation (in the form of plans or drawings) demonstrating that all lots less than 600m² for dwellings-single 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 in accordance with sub-clause 4 of Clause 6.2.2 of the NT Planning Scheme 2020 (which requires compliance with the purpose of Clause 6.2.2, and the requirements of Clause 5.2.4.5).

NOTES:

1. In order to process the building setback plan submitted as part of this application, the applicant is required to make a separate application for a planning scheme amendment to include the building setback plan in Schedule 9 of the Northern Territory Planning Scheme 2020. Please contact Lands Planning on 08 8999 8963
2. The Northern Territory Subdivision Development Guidelines (Version 3 – July 2026) apply to the design and construction of public infrastructure associated with subdivision works. Compliance with the technical standards

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in the Guidelines should be achieved to the satisfaction of the relevant local government council and service authorities. Early engagement with the relevant authorities is encouraged prior to commencing any works, to confirm their specific requirements and any variations they may seek to the Subdivision Development Guidelines. This will assist in ensuring that all subdivision works are completed in accordance with the requirements of the responsible authorities.

The Northern Territory Subdivision Development Guidelines are available at: <https://www.ntlis.nt.gov.au/sdg-online/>

3. Information regarding preparation of a Subdivision Masterplan can be obtained from the Northern Territory Subdivision Development Guidelines available at <https://www.ntlis.nt.gov.au/sdg-online>
4. A "Permit to Work Within a Road Reserve" may be required the City of Palmerston, before commencement of any work within the road reserves.
5. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (powerdevelopment@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
6. 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 <https://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 must be built to nbn guidelines found at <https://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/designbuild-install>.

7. The Department of Lands, Planning and Environment ESCP Procedures factsheet is available at: <https://environment.nt.gov.au/rangelands/technical-notes-and-fact-sheets/land-management-technical-notes-and-fact-sheets>.

A suitably qualified and experienced professional in erosion and sediment control as defined by the International Erosion Control Association (IECA) Australasia at <https://www.austieca.com.au/rsp-esc/suitably-qualified-professional> Information regarding erosion and sediment control can be obtained from the IECA Best Practice Erosion and Sediment Control 2008 books available at www.austieca.com.au and Land Management Factsheets available at <https://nt.gov.au/environment/soil-land-vegetation>. For further advice, contact the Development Coordination Branch: (08) 8999 4446.

8. 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 8936 4070 to determine if the proposed works are subject to the Act.
9. 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.
10. The permit holder is advised that it is an offence to disturb or destroy prescribed archaeological places without consent under the Heritage Act 2011. Should any heritage or archaeological material be discovered during the subdivision works, cease works and please phone Heritage Branch of the Department of Lands, Planning and Environment.
11. 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

REASONS FOR THE DECISION

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

The NT Planning Scheme 2020 applies to the land, multiple zones apply to the land (Lot 12433) however the “site” of this development application (within Lot 12433) is entirely zoned FD (Future Development).

Pursuant to sub-clause 1(c)(ii) of Clause 1.8 of the NTPS2020, the proposed subdivision is Impact Assessable, therefore, pursuant to sub-clause 4 of Clause 1.10 (Exercise of Discretion by the Consent Authority), the following provisions of the NTPS2020 need to be considered by the consent authority:

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- (a) *any relevant requirements, including the purpose of the requirements, as set out in Parts 5 or 6;*

Part 5 of the NTPS2020 does not apply to subdivision.

- 6.5.1 Subdivision in Zone FD – this clause requires that the subdivision be compliant with the relevant subdivision requirements of the intended future zoning. The intended future zoning has been identified as Zone LMR, therefore the following clauses are also required to be considered:
 - 6.2.1 (Lot Size and Configuration for Subdivision in Zones LR, LMR, MR and HR)
 - 6.2.2 (Lots Less Than 600m² for Dwellings-Single)
 - 6.2.3 (Site Characteristics for Subdivision in Zones LR, LMR, MR and HR)
 - 6.2.4 (Infrastructure and Community Facilities for Subdivision in Zones LR, LMR, MR and HR)

- (b) *any Overlays and associated requirements in Part 3 that apply to the land;*

No Overlays are applicable to subdivision area.

- (c) *the guidance provided by the relevant zone purpose and outcomes in Part 4, or Schedule*

- 4.27 – Zone FD (Future Development)

- (d) *any component of the Strategic Framework relevant to the land as set out in Part 2.*

These are:

- Darwin Regional Land Use Plan
- Holtze to Elizabeth River Subregional Land Use Plan
- Central Palmerston Area Plan

The above requirements (sub-clause 4 of Clause 1.10) have been assessed and it's found that the application (as amended) complies with Clause 6.2.2 (Lots Less Than 600m² for Dwellings-Single), and does not comply with clauses:

- 6.2.1 (Lot Size and Configuration for Subdivision in Zones LR, LMR, MR and HR)
- 6.2.3 (Site Characteristics for Subdivision in Zones LR, LMR, MR and HR)
- 6.2.4 (Infrastructure and Community Facilities for Subdivision in Zones LR, LMR, MR and HR), and
- Consequently, the proposal also requires the exercise of discretion under Clause 6.5.1 (Subdivision in Zone FD).

The consent authority notes that while it is expected that the proposed site layout of lots less than 600m² is unlikely to impact on the street infrastructure in this instance, a condition is included on the permit issued to ensure compliance with the purpose of Clause 6.2.2 which is to - *“Ensure the subdivision of land to lots of less than 600m² will allow residential development*

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that minimises impact on amenity and the functionality of the street infrastructure". This is a condition that has been included on other stages of 'Zuccoli Aspire'.

In addition to the above, the consent authority must consider the guidance provided by the relevant zone purpose and outcomes, and any relevant component of the Strategic Framework.

Although Overlay 3.7 (Land Subject to Storm Surge) is identified on the NT Atlas as applying to Lot 12433, the portion of the lot affected by the Overlay is located approximately 350 metres from the "Stage 5B" subdivision area. Accordingly, the Overlay is not relevant to the assessment of the proposed subdivision.

The application's consistency with the *NTPS2020 Strategic Framework*, Clause 4.27 (Zone FD – Future Development), and the identified technical variations to the *Northern Territory Planning Scheme 2020* are discussed in detail below -

The Strategic Framework

Darwin Regional Land Use Plan (DRLUP):

The Darwin Regional Land Use Plan (DRLUP) identifies the subject land within the Urban Area. Relevant strategic objectives include providing sufficient land to meet housing demand, encouraging a range of dwelling types, and ensuring new development responds to local environmental conditions and contributes to attractive, liveable neighbourhoods.

The proposed subdivision facilitates the staged delivery of residential land within an identified urban growth area and is consistent with these strategic objectives.

Holtze to Elizabeth River Land Use Plan 2022 (HESLUP):

The Holtze to Elizabeth River Subregional Land Use Plan 2022 (HESLUP) provides that development requiring impact assessment is to accord with the relevant concepts and policies of the subregional plan or, where applicable, a more detailed Area Plan.

The subject land is within the boundary of the Palmerston Eastern Suburbs Planning Principles and Area Plan, which provides the more detailed strategic framework for assessment.

Palmerston Eastern Suburbs Planning Principles and Area Plan:

The Area Plan contains seven planning principles. Of these, Principles 1, 4 and 6 are relevant to the proposed subdivision. Principles 2 and 3 relate to neighbourhood centres, Principle 5 relates to community and active recreation facilities, and Principle 7 relates specifically to the Temple Terrace Mixed Use Node.

Planning Principles 1 and 4 – Compact neighbourhoods and housing diversity

Planning Principles 1 and 4 seek the delivery of compact, accessible and walkable neighbourhoods through an interconnected street network, a range of lot sizes and housing opportunities, integrated public open space, efficient transport connections and residential densities that support neighbourhood centres.

The application is supported by an updated Zuccoli Aspire Master Plan and Landscape Master Plan, which demonstrate that Stage 5B forms part of the broader master planned community. The plans illustrate the subdivision's integration with the overall street network, staging, public open space system, pedestrian and cycle connections, street tree framework, retained creek corridors and future neighbourhood facilities. The Landscape Master Plan also incorporates Crime Prevention Through Environmental Design (CPTED) principles, universal accessibility, and environmental design measures consistent with the NT Subdivision Development Guidelines (Version 3 – July 2026).

The Area Plan identifies the land as being within a compact neighbourhood adjoining a Primary Neighbourhood Centre, where development should maximise the number of dwellings within convenient walking distance of neighbourhood services and public transport.

The majority of the proposed lots are located within approximately 400 metres walking distance of the neighbourhood centre and proposed public transport facilities. Stage 5B proposes 52 residential lots that will ultimately form part of Zone LMR (Low-Medium Density Residential). The lots range from approximately 415m² to 664m², with an average area of approximately 440m².

Although this stage of Zuccoli Aspire primarily comprises dwelling-single lots, the broader master plan identifies future medium and higher density housing surrounding the neighbourhood centre, the broader master plan identifies future higher-density residential opportunities, commercial development and mixed-use land surrounding the centre. The neighbourhood centre is also constrained to some extent by the recommended biting insect buffer, which influences the ultimate development pattern.

Following the commencement of Planning Scheme Amendment 159, Clause 5.4.1 of the NTPS2020 permits one single-bedroom dwelling-group per 150m² within Zone LMR. Consequently, the proposed lot sizes are capable of supporting a significantly higher residential density than detached dwelling-single's alone should redevelopment occur in the future.

Accordingly, the application is considered to be generally consistent with Planning Principles 1 and 4 by delivering a connected residential subdivision capable of supporting the long-term strategic objectives for housing diversity and urban consolidation.

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Planning Principle 6 – Environmental and Heritage Values

Planning Principle 6 seeks to preserve and integrate areas of environmental significance, including the Mitchell Creek drainage corridor, while incorporating appropriate environmental and engineering measures, including water sensitive urban design.

The subdivision has been designed to avoid development within the Mitchell Creek corridor and retains significant creek line vegetation within the proposed public open space network. The submitted Landscape Master Plan demonstrates that retained vegetation corridors will continue to provide habitat connectivity, recreational opportunities and landscape amenity, while integrating stormwater management through grassed swales, drainage corridors and retained creek lines.

Detailed environmental management, stormwater design and erosion and sediment control will be addressed through engineering approvals and the requirements of the relevant service authorities.

Overall, it is considered that the application appropriately responds to the environmental objectives of the Area Plan.

Strategic Framework Conclusion

The proposed subdivision forms part of the orderly staged development of the broader Zuccoli Aspire community and is generally consistent with the Darwin Regional Land Use Plan, the Holtze to Elizabeth River Subregional Land Use Plan 2022 and the Palmerston Eastern Suburbs Planning Principles and Area Plan.

While Stage 5B predominantly comprises conventional residential lots, it integrates with the broader master planned neighbourhood through its connected street network, proximity to the neighbourhood centre, future public transport, public open space network and retained environmental corridors. The application therefore gives effect to the strategic planning intent for the locality and is considered to be consistent with the NTPS2020 Strategic Framework.

Clause 4.27 – Zone FD (Future Development)

The purpose of Zone FD 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 application is considered to be generally consistent with the purpose of Zone FD (Future Development). The land is identified for urban development within the NTPS2020 Strategic Framework, including the Palmerston Eastern Suburbs Area Plan, and the subdivision forms part of the broader staged development of the Zuccoli Aspire estate.

In relation to the guidance statements for Zone Outcomes 1 and 2, the subdivision responds to the Strategic Framework and is not considered to compromise the intended ultimate development of the land.

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The proposed road network, lot configuration and staging integrate with the broader master-planned neighbourhood and do not prejudice future subdivision or development of adjoining land.

In relation to Outcome 3, the application is supported by engineering and servicing information demonstrating that reticulated water, sewer, stormwater, electricity and road infrastructure can be provided to the satisfaction of the relevant service authorities. Service authorities did not identify any fundamental servicing constraints and standard subdivision conditions on the permit will protect their interests.

Zone Outcome 6 provides the guidance statement that - *Development:*

- (a) supports the needs of the immediate community;*
- (b) is of a scale and intensity compatible with the character and amenity of the area;*
- (c) minimises impacts on sensitive environments;*
- (d) avoids adverse impacts on the local road network; and*
- (e) is managed to minimise unreasonable impacts to the amenity of surrounding land.*

The proposed subdivision will create 52 residential lots connected to reticulated urban services and is consistent with the established pattern of development within the Zuccoli Aspire estate. The scale and intensity of the subdivision are compatible with the planned residential character of the locality.

The subdivision avoids development within the Mitchell Creek environmental corridor, with stormwater management, erosion and sediment control, and other environmental matters to be addressed through detailed engineering design and the requirements of the relevant service authorities. No unacceptable impacts on the local road network have been identified.

Potential impacts on surrounding amenity, including those associated with earthworks and construction activities, can be appropriately managed through permit conditions and compliance with relevant legislation. Accordingly, the application is considered to satisfy the relevant outcomes of Zone FD.

Sub-clause 5 of Clause 1.10 of the NTPS2020 specifies that - *the consent authority may consent to a proposed use or development that 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(4).*
- The consent authority has considered these criteria in the context of section 51(3) of the Planning Act 1999 and has determined:

Clause 6.5.1 (Subdivision in Zone FD)

Pursuant to sub-clause 2 of Clause 6.5.1, the application includes a diagram identifying the intended future zoning of the subdivision. The plan indicates that the residential lots created by Stage 5B are intended to be included within

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Zone LMR (Low-Medium Density Residential). A planning scheme amendment to normalise the zoning from Zone FD (Future Development) to Zone LMR will be required before new titles are issued. This may be addressed separately through the planning scheme amendment process or, if considered appropriate, by a condition or advisory note on any development permit (requiring the developer to demonstrate this is done).

Sub-clause 3 of Clause 6.5.1 requires that subdivision of land within Zone FD create lots with a minimum area of 50 hectares. The proposed subdivision creates residential lots ranging from approximately 405m² to 664m² and therefore does not comply with this requirement.

However, sub-clause 4 provides that, despite sub-clause 3, subdivision may create lots consistent with the intended future zoning where:

- *the subdivision complies with the relevant subdivision requirements of the intended future zone;*
- *it is generally in accordance with an Area Plan or other relevant component of the Strategic Framework; and*
- *services are, or can be, made available to the land.*

In considering sub-clause 4, the consent authority must also have regard to sub-clause 5 of Clause 1.10 of the *Northern Territory Planning Scheme 2020* and section 52 of the *Planning Act 1999*.

The intended future zoning of the land is Zone LMR. The proposal has therefore been assessed against the relevant subdivision requirements for that zone. As noted elsewhere in this de, the proposal involves technical variations to:

- Clause 6.2.1 (Lot Size and Configuration for Subdivision in Zones LR, LMR, MR and HR);
- Clause 6.2.3 (Site Characteristics for Subdivision in Zones LR, LMR, MR and HR); and
- Clause 6.2.4 (Infrastructure and Community Facilities for Subdivision in Zones LR, LMR, MR and HR).

These variations have been assessed individually and are considered to be acceptable, having regard to the purpose of the relevant clauses and the discretion available under sub-clause 5 of Clause 1.10 of the NTPS2020.

The purpose of Clause 6.5.1 is to - *Provide for the subdivision of land in Zone FD in a manner that will not prejudice the intended ultimate subdivision and future development of the land envisaged in the Strategic Framework.*

Sub-clause 1 provides that the consent authority may consent to a subdivision that is not in accordance with sub-clauses 3 or 4 where it is satisfied that the subdivision is consistent with the purpose of the clause.

The subdivision (as approved) is considered to achieve that purpose because:

- it is generally consistent with the Strategic Framework, including the Palmerston Eastern Suburbs Area Plan;
- it reflects the ultimate subdivision pattern identified in the Master Plan;

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- the intended future zoning is clearly identified and the proposed lot configuration is consistent with that future zoning;
- essential infrastructure and reticulated services can be provided to the satisfaction of the relevant service authorities; and
- the subdivision will not prejudice the orderly future development of the balance of the land.

Accordingly, notwithstanding the technical non-compliance with the minimum lot size requirement for Zone FD and the identified variations to the intended Zone LMR subdivision requirements, the proposal is considered to achieve the purpose of Clause 6.5.1. The exercise of the consent authority's discretion under sub-clause 1 is therefore considered appropriate.

Clause 6.2.1 (Lot Size and Configuration for Subdivision in Zones LR, LMR, MR and HR)

Sub-clause 6 of Clause 6.2.1 requires that *"Lots are to conform with the building envelope requirements in Table B to this clause"*.

The application (as amended) does not fully comply with this requirement because proposed design / layout of (proposed) 'Lot 12' (proposed parcel area of 619m²) and 'Lot 14' (proposed parcel area of 664m²) do not accommodate the required building envelope dimensions.

Administratively - sub-clause 4 allows the consent authority to *"consent to a subdivision that is not in accordance with sub-clauses 5-12, only if it is satisfied the subdivision is consistent with the purpose of this clause and the zone purpose and outcomes"*.

The purpose of Clause 6.2.1 is to *"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."*

Apart from proposed Lot 12 and 14, proposed parcels will have sufficient area to accommodate the minimum building envelopes and an engineering report included in the application shows driveways are able to meet the requirements outlined by the NTPS2020, specifically Clause 5.2.4.5 (of Part 5 of the NTPS2020), and no "battle-axe lots" are proposed.

An east-west building orientation is generally preferred because it reduces solar heat gain to external walls. The majority of the proposed lots support this orientation.

The Compact Urban Growth Policy that forms part of the NTPS2020 defines higher density residential as *"Usually taller than two storeys in height and a neighbourhood density greater than 20 dwellings per hectare (or one dwelling per 300m² of site area or less), as such lots for 'higher density residential development' is not considered to be proposed (lots average a dwelling density of 1 dwelling per 440m² and LMR only allows up to 2 storeys) noting that a dwelling density of 1 dwelling per 150m² for one bedroom dwelling groups is possible."*

As such, the application is considered (by the consent authority) to provide lots that are of a size, configuration and orientation suitable for residential development at a density envisaged by the zone.

Additionally, the Zone FD (Future Development) purpose statement and relevant outcomes are discussed above and the application was assessed as being generally consistent with the zone.

Noting the:

- overall suitability of lot size, configuration and orientation;
- ability to meet driveway and access requirements;
- absence of battle-axe lots;
- alignment with the Strategic Framework and Zone FD purpose; and
- limited extent of non-compliance (primarily Lot 14),

the subdivision is considered consistent with the purpose of Clause 6.2.1 and the zone purpose and outcomes and a variation is therefore appropriate in this instance.

Clause 6.2.3 (Site Characteristics for Subdivision in Zones LR, LMR, MR and HR)

Sub-clause 3 of Clause 6.2.3 requires that, for subdivisions in Zone LMR, areas intended for lots less than 600m² in area are to be selected or graded so they do not exceed a slope of 2%, thereby minimising the need for on-site stormwater infrastructure, retaining walls and similar engineering works.

The amended application does not fully comply with this requirement. Proposed Lots 1-2, 9-12, 16-40 and 51-52 include finished lot gradients exceeding 2%. Accordingly, 33 of the 52 lots less than 600m² are subject to a technical variation to this requirement.

Sub-clause 1 of Clause 6.2.3 provides that the consent authority may approve a subdivision that does not comply with sub-clauses 2 to 6 where it is satisfied that the subdivision design is consistent with the purpose of the clause. In doing so, the consent authority must also have regard to sub-clause 5 of Clause 1.10 of the *Northern Territory Planning Scheme 2020* and section 52 of the *Planning Act 1999*.

The purpose of Clause 6.2.3 is to - *Ensure that the subdivision of land provides lots suitable for urban residential purposes that respond appropriately to the physical characteristics of the land and does not detrimentally impact on surrounding land.*

The application is supported by an Engineering Services Report incorporating detailed earthworks design and bulk earthworks plans. These demonstrate that the proposed subdivision responds to the site's natural topography while integrating with the approved road network, adjoining completed stages of the Zuccoli Aspire development and the anticipated levels of future stages.

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The proposed earthworks will establish residential lots, roads and drainage infrastructure capable of accommodating urban development. Stormwater will be collected and conveyed through a designed drainage network to the existing drainage system, minimising the potential for adverse impacts on adjoining land.

Although a significant proportion of the proposed lots exceed the preferred 2% gradient, the variation is primarily a consequence of responding to the site's natural landform while maintaining an integrated subdivision layout and efficient road network. Similar engineering solutions, including cut and fill earthworks and retaining structures where required, have been implemented throughout earlier stages of the Zuccoli Aspire estate.

To ensure the completed lots are suitable for residential development, a condition of the development permit requires certification by an appropriately qualified person that the approved earthworks have been completed in accordance with the endorsed engineering design. Any retaining walls requiring approval under the *Building Act 1993* will also be required to comply with the National Construction Code and relevant Australian Standards.

Having regard to the purpose of Clause 6.2.3, the proposed subdivision is considered to provide residential lots that are capable of supporting urban development without resulting in unacceptable impacts on surrounding land. Accordingly, notwithstanding the technical non-compliance with sub-clause 3, the exercise of the consent authority's discretion under sub-clause 1 is considered appropriate.

Clause 6.2.4 (Infrastructure and Community Facilities for Subdivision in Zones LR, LMR, MR and HR)

Sub-clause 7 of Clause 6.2.4 requires residential subdivisions to provide a minimum of 10% of the subdivision area as public open space that:

- *ensures the majority of dwellings are within 400 metres walking distance of a neighbourhood park;*
- *incorporates larger areas suitable for active recreation;*
- *is generally unencumbered by drainage infrastructure and provides sufficient level area for informal recreation; and*
- *provides passive surveillance from surrounding dwellings and public roads.*

The subject land is currently zoned FD (Future Development). However, the intended zoning following completion of the subdivision process is Zone LMR (Low-Medium Density Residential). The application therefore has regard to the requirements of Clause 6.2.4.

The proposed subdivision does not comply with sub-clause 7, as no public open space is proposed within the boundaries of this stage. The subdivision will create 52 residential lots, leaving the balance of Lot 12433 for future stages of development. The proposal is otherwise considered to comply with sub-clauses 2, 3, 4, 5 and 6 of Clause 6.2.4.

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Sub-clause 1 provides that the consent authority may approve a subdivision that is not in accordance with sub-clauses 2 to 7 where it is satisfied that the subdivision is consistent with the purpose of the clause.

The purpose of Clause 6.2.4 is to - *Ensure that subdivision of land for residential purposes is appropriately integrated with infrastructure, community services and facilities.*

In considering the proposed variation, regard has also been had to sub-clause 5 of Clause 1.10 of the *Northern Territory Planning Scheme 2020*, which provides guidance to the consent authority when determining whether a variation to a development requirement is appropriate.

The subdivision (as approved) forms one stage of the broader Zuccoli Aspire Subdivision estate, which is being delivered in accordance with a Developer Agreement and associated Crown Lease Term (Lease 02508) under the *Crown Lands Act 1992*. The parent parcel (Lot 12433) is also subject to a registered caveat in favour of the Northern Territory, providing an additional mechanism to ensure the coordinated delivery of the approved master-planned development. While the caveat is not itself a planning consideration, it provides additional confidence that the broader master-planned development will be implemented in accordance with the Developer Agreement.

The applicant has submitted an updated Zuccoli Aspire Master Plan diagram and Landscape Master Plan, which demonstrate that public open space, community facilities and infrastructure are to be delivered across the estate on a staged basis.

The Landscape Master Plan indicates that, upon completion of the overall development, approximately 16.35% of the estate will comprise unencumbered public open space, exceeding the minimum requirement of Clause 6.2.4. The Master Plan also identifies neighbourhood parks, pedestrian and cycle connections, community facilities and the neighbourhood centre within adjoining stages, all of which will serve residents of Stage 5B.

In the circumstances of this application, requiring each individual subdivision stage to independently provide 10% public open space would result in an inefficient and fragmented distribution of neighbourhood parks and would not reflect the integrated approach contemplated by the approved master plan or the staged delivery arrangements established under the *Crown Lands Act 1992*.

It is also noted that Planning Scheme Amendment 173 amended the *Northern Territory Planning Scheme 2020* to incorporate references to the NT Subdivision Development Guidelines within Schedule 5 and Clause 6.1. The proposal has been assessed having regard to those Guidelines, including the coordinated provision of public open space and community infrastructure across staged developments.

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Accordingly, although the development represents a technical non-compliance with sub-clause 7, it is considered to achieve the purpose of Clause 6.2.4 of the NTPS2020 by providing an integrated pattern of infrastructure, community facilities and public open space across the broader Zuccoli Aspire development. The exercise of the consent authority's discretion under sub-clause 1 is therefore considered appropriate.

2. Pursuant to section 51(1)(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.

The application was placed on public exhibition for a period of two weeks (starting on 7 June 2024 and ending on 21 June 2024) in accordance with sections 47(1) and 47(5) of the *Planning Act 1999*. No public submissions were received under section 49(1) of the *Planning Act 1999*.

The City of Palmerston lodged comments during the exhibition period. Pursuant to section 49(6) of the *Planning Act 1999*, those comments were taken to oppose the application and were therefore treated as a local government council submission under section 47(3) of the *Planning Act 1999*.

Following public exhibition, the application was deferred to enable the applicant to respond to the issues raised in the Department's technical assessment and the matters identified by the City of Palmerston. During the deferral period, the applicant worked with the Council to address those matters. The issues have since been resolved, and the Council has advised in writing that it generally supports the application, subject to the imposition of appropriate permit conditions.

Mr Christopher Tickner (City of Palmerston) attended the 10 July 2026 public session of the consent authority meeting and reiterated the position made in Council's comments. Ms June D'Rozario attended the meeting in support of the application and gave a verbal summary of the history of the application and indicated the applicant is amenable to the recommendation and draft conditions listed in the assessment report prepared by Development Assessment Services.

Pursuant to section 50(5) of the *Planning Act 1999*, and having regard to section 51(3) and the *Subdivision Development Administrative Guideline* (issued 9 June 2026 under section 135B(1)), the conditions of approval have been framed to address the matters identified in the Department's assessment and the City of Palmerston's submission.

The conditions are not verbatim reproductions of the City of Palmerston's requested conditions precedent; rather, they are drafted to secure the same technical outcomes and to ensure the Council's technical interests are addressed while remaining consistent with the statutory requirements of the *Planning Act 1999*, the NTPS2020, and the *Subdivision Development Administrative Guideline*.

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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 subject land has been identified for urban development within the *Northern Territory Planning Scheme 2020* Strategic Framework, including the Palmerston Eastern Suburbs Area Plan. The capability of the land for urban development was considered at a strategic level through the rezoning of the land to Zone FD (Future Development) and the subsequent development approval framework established under the *Crown Lands Act 1992*, including the relevant Developer Agreement and Crown Lease Term.

The application is supported by an Engineering Services Report, which demonstrates how the site will be developed to accommodate the proposed subdivision. Parts of the site have natural gradients exceeding 2%, consistent with the topographical constraints previously recognised under Clause 6.2.3 of the *Northern Territory Planning Scheme 2020*. The engineering report details the earthworks required to create suitably graded residential lots, roads and associated infrastructure.

To ensure the completed lots are suitable for residential development, there is a condition of the development permit requiring certification by an appropriately qualified person that the approved earthworks have been completed in accordance with the endorsed engineering design. Where retaining walls require approval under the *Building Act 1993*, they should also be certified as complying with the National Construction Code and relevant Australian Standards.

The application was referred to the Land Resource Division of the Department of Lands, Planning and Environment. The Division did not identify any concerns regarding the capability of the land to support the proposed subdivision. A condition precedent is included on the permit requiring the preparation of a Type 2 Erosion and Sediment Control Plan (ESCP), together with standard conditions requiring implementation and maintenance of the endorsed ESCP throughout the construction phase.

Subject to compliance with the permit conditions and the requirements of the relevant service authorities, the land is considered capable of supporting the proposed subdivision without resulting in unacceptable impacts on the land or adjoining properties.

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 subject land is located within the established suburb of Zuccoli, which already contains a range of public facilities, including neighbourhood parks,

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schools and associated community infrastructure delivered through earlier stages of the suburb's development.

Under the *Northern Territory Planning Scheme 2020* and the NT Subdivision Development Guidelines (Version 3 – July 2026), residential subdivisions are generally required to provide public open space equivalent to at least 10% of the gross developable area.

This stage of the subdivision does not include the dedication of public open space. However, it forms part of the broader Zuccoli Aspire Subdivision, for which the applicant has submitted a Zuccoli Aspire Masterplan and Subdivision Landscape Plan demonstrating the proposed public open space network across the entire development.

The submitted Landscape Plan indicates that, upon completion of the overall Zuccoli Aspire Subdivision, approximately 16.35% of the development area will comprise unencumbered public open space. The delivery of public open space across the broader subdivision is being managed through the staged development of the estate, with oversight provided through the Crown lease conditions and associated development agreement under the *Crown Lands Act 1992*. Accordingly, although no public open space is proposed within this stage, the overall development is intended to satisfy, and exceed, the minimum public open space requirement through its staged delivery.

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

The application is supported by an Engineering Services Report and was referred to the relevant service authorities for comment. The referral agencies did not identify any constraints that would prevent the proposed subdivision from being serviced. Instead, standard conditions and advisory notes have been included on the permit to ensure the subdivision is designed and constructed in accordance with the requirements of the relevant authorities.

The permit conditions and advisory notes have been structured to ensure that:

- stormwater drainage is appropriately designed and constructed;
- works within road reserves and adjacent to easements are undertaken with the approval of the relevant authorities;
- reticulated electricity, water and sewerage services are provided to each lot;
- vehicle access and any impacts on the surrounding road and pedestrian network are appropriately managed; and
- all required public infrastructure is provided by the developer to the standard required by the relevant service authorities.

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It is also noted that, consistent with the Editor's Note to Clause 6.1 of the Northern Territory Planning Scheme 2020, detailed matters relating to stormwater management, access, engineering design, works within road reserves and the provision of public utilities and infrastructure are primarily addressed through the NT Subdivision Development Guidelines (Version 3 – July 2026) and the engineering approval process.

In addition to the above, Section 55 of the *Planning Act 1999* (Conditions may be placed on permits), *A consent authority may impose on a development the conditions it thinks fit and specifies in the development permit, including a provision for the permit to lapse on a specified date.*

Comments from Crown Land Estate / Land Development Unit of the Department of Lands, Planning and Environment do not reference the NT Subdivision Guidelines however the Subdivision Guidelines require stormwater management details as part of a 'Subdivision Masterplan', and requires a 'Part 1 Stormwater Plan' and a 'Part 2 Stormwater Plan' all to be submitted to the relevant authorities. Land Development Unit / Crown Land Estate are considered a relevant authority and have been included as an authority required to provide clearance (in addition to the City of Palmerston) for conditions relating to stormwater management.

Subject to the conditions of approval, the application is considered capable of being appropriately serviced and the consent authority has taken into account the requirements of section 51(1)(m) of the *Planning Act 1999*.

6. 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 *Planning Act 1999* and the *Northern Territory Planning Scheme 2020* define amenity, in relation to a locality or building, as *any quality, condition or factor that makes or contributes to making the locality or building harmonious, pleasant or enjoyable.*

Since the application was publicly exhibited (2024), a considerable period has elapsed. During this time, additional stages of development within Zuccoli have been completed, titles have been issued for nearby lots, and the residential population in the locality has increased. Notwithstanding this, the applicant has completed the statutory public exhibition process required under the *Planning Act 1999*. The applicant has provided photographs and a declaration confirming that the public exhibition signs remained on display for the duration of the exhibition period, there is no statutory requirement to undertake a further period of public exhibition or notify subsequent landowners.

The subdivision will change the amenity of the immediate locality by facilitating the urban development of land that is currently vacant. However, this change is consistent with the NTPS2020 strategic planning framework for the area, the zoning of the land, and the intended character of the broader Zuccoli Aspire development.

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Although this stage does not include public open space, the overall master-planned subdivision will provide a network of public open space that will contribute positively to the future amenity of the neighbourhood.

Temporary impacts on surrounding properties are likely to occur during the earthworks and construction phase, including noise, dust, traffic movements and general construction activity. These impacts are typical of subdivision works and can be appropriately managed through permit conditions, engineering approvals and the requirements of relevant legislation administered by referral authorities. This includes requirements relating to erosion and sediment control, stormwater management, construction access, the provision of reticulated services, pollution control, work health and safety, and construction operating practices.

Subject to compliance with these requirements, the proposal is not expected to result in any unacceptable adverse impacts on the existing or future amenity of the locality.

7. Pursuant to section 51(1)(p) of the Planning Act 1999, in considering a development application, the consent authority must take into account the public interest, including (if relevant) how the following matters are provided for in the application
- (i) community safety through crime prevention principles in design;
 - (ii) water safety
 - (iii) access for persons with disabilities;

The subdivision is considered to be in the public interest as it facilitates the creation of additional residential lots within the Zuccoli growth area, supporting the orderly development of land and increasing the supply and diversity of residential housing opportunities in the City of Palmerston.

Community Safety Through Crime Prevention

Crime Prevention Through Environmental Design (CPTED) principles generally relate to the design of buildings and public spaces. As this application is for subdivision only and does not include the development of buildings or public open space (other than roads and footpaths), these principles have limited application. Nevertheless, the subdivision demonstrates several positive CPTED outcomes, including:

- a conventional street layout that provides long sightlines and good passive surveillance opportunities;
- a connected road network with no cul-de-sacs;
- provision for street lighting in accordance with the Engineering Services Report and the NT Subdivision Development Guidelines; and
- a clear street hierarchy that will facilitate wayfinding and street identification.

The NT Subdivision Development Guidelines (Version 3 – July 2026) also contain design requirements relating to CPTED.

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Compliance with these requirements, including the provision of roads, footpaths and street lighting, will be assessed through the engineering approval process and secured through standard subdivision conditions administered by the City of Palmerston.

Water Safety

No water safety issues have been identified. Stormwater generated by the subdivision is proposed to be conveyed through the subdivision drainage network and discharged to an open drainage system. The design, construction and maintenance of stormwater infrastructure will be required to comply with the requirements of the City of Palmerston and the Crown Land Estate.

Access for persons with disabilities

The subdivision itself does not raise any specific disability access issues. Requirements relating to accessible public infrastructure, including footpaths and road crossings where applicable, will be addressed through the NT Subdivision Development Guidelines (Version 3 – July 2026) and other relevant legislation as part of the engineering design and construction process.

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 July 2026