



DEVELOPMENT CONSENT AUTHORITY

PALMERSTON DIVISION

MINUTES

MEETING No. 241 – WEDNESDAY 21 APRIL 2021

**BOULEVARD ROOM
QUEST PALMERSTON
18 THE BOULEVARD
PALMERSTON**

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

APOLOGIES: Nil

LEAVE OF ABSENCE: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), Rebecca de Vries, Adelle Godfrey and Elissa Gee (Development Assessment Services)

COUNCIL REPRESENTATIVES: Damien Scalora

Meeting opened at 10.00 am and closed at 11.20 am

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

ITEM 1

PA2021/0033 CARPORT ADDITION TO EXISTING DWELLING-SINGLE WITH REDUCED FRONT SETBACK

LOT 4810 (14) SONGLARK STREET, BAKEWELL, TOWN OF PALMERSTON

APPLICANT Zac Berry

Mr Zac Berry (landowner and applicant) attended and tabled:-

- five photos of developments in other residential areas across Palmerston that he considered comparable by way of height and setbacks to the development proposed in his application; and
- a copy of the perspectives plan for the proposed development with comments and signatures from residents at 4, 5, 6, 10 and 16 Songlark Street advising they have no objection to the proposal.

Submitter City of Palmerston represented by Mr Damien Scalora attended.

**RESOLVED
15/21**

That, pursuant to section 46(4)(b) of the *Planning Act 1999*, the Development Consent Authority defer consideration of the application to develop Lot 4810 (14) Songlark Street, Bakewell, Town of Palmerston for the purpose of a carport addition to existing dwelling-single with reduced front setback to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

- amended plans to address the purpose of Clause 5.4.3 Building Setbacks of Residential Buildings and Ancillary Structures. The amendments requested are to reduce the overall height of the carport by lowering the roof angle towards the street, and also to provide solid or structured screening along the front boundary where adjacent to the carport.

REASONS FOR THE DECISION

1. Amended plans are requested to address the purpose of Clause 5.4.3, to allow the location and scale of the carport to be consistent with that reasonably expected in the zone, with the local streetscape and surrounding development, and to minimise the adverse effects of building massing.

The authority considered that the design as initially presented would have an adverse effect on building massing. By angling the carport roof towards the street and reducing the overall height, the design is expected to be significantly more compatible with the streetscape and surrounding development, and the overall appearance of the carport less dominant, such that the design would be acceptable in this instance.

Given the reduced setback proposed to the carport and as this area is intended to be used for vehicle parking and storage, the authority request the inclusion of solid or structured screening along the front

boundary where adjacent to the carport. This is to improve the appearance of the development from the street.

FOR: 5

AGAINST: 0

ABSTAIN: 0

**RESOLVED
16/21**

That, pursuant to section 86(1) of the *Planning Act 1999*, the Development Consent Authority delegates to the Chair or in the Chair's absence in or inability to act to any one of the other members of the Palmerston Division the power under section 53 of the Act to determine the application to develop Lot 4810 (14) Songlark Street, Bakewell, Town of Palmerston for the purpose of carport addition to existing dwelling-single with reduced front setback subject to the provision of amended plans which address the matters raised in the deferral, subject to conditions as determined by the Delegate.

FOR: 5

AGAINST: 0

ABSTAIN: 0

ACTION:

Notice of Deferral

**ITEM 2
PA2021/0019
APPLICANT**

**SUBDIVISION TO CREATE 62 LOTS - ZUCCOLI PHASE 3.6
LOT 15460, ZUCCOLI, TOWN OF PALMERSTON**
Northern Planning Consultants Pty Ltd

Mr Brad Cunnington (Northern Planning Consultants Pty Ltd) and Mr Tim Bycroft (Urbex Pty Ltd) attended.

Submitter City of Palmerston represented by Mr Damien Scalora attended.

**RESOLVED
17/21**

That, pursuant to section 53(a) of the *Planning Act 1999*, the Development Consent Authority consent to the application to develop Lot 15460, Zuccoli, Town of Palmerston for the purpose of subdivision to create 62 lots – Zuccoli Phase 3.6, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works, detailed design plans for the landscaping and development of lot P22 and P23 are to be submitted and approved by the City of Palmerston, to the satisfaction of the consent authority.
2. Prior to the endorsement of plans and prior to the commencement of works, engineering design plans and specifications are to be submitted to and approved by the City of Palmerston for approval for all proposed and affected roads, street lighting, stormwater drainage, site earthworks, pedestrian/cycle corridors and crossings, vehicular access, pedestrian/ cycle corridors and street scaping, 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 ESCP Standard Requirements 2019 available at <https://nt.gov.au/environment/soil-land-vegetation>. The ESCP must be developed and/or certified by a Certified Professional in

Erosion and Sediment Control (CPESC) to the satisfaction of the consent authority. The ESCP should be submitted for acceptance prior to the commencement of any earth disturbing activities (including clearing and early works) to Development Assessment Services via email: das.ntg@nt.gov.au.

4. Prior to the commencement of works, a Weed Management Plan (WMP) is to be submitted to and approved by the Consent Authority on the advice of the Department of Environment, Parks and Water Security (DEPWS). The WMP must be developed so as to meet the minimum gamba grass management requirements for the proposed parcel size and location as described in the Weed Management Plan for gamba grass (*Andropogon gayanus*). The WMP should include vehicle / equipment hygiene controls in line with the key principles for weed spread prevention as outlined in the DEPWS Weed Management Branch document Preventing weed spread is every bodies business. The WMP should detail methods, treatments and timing for effective gamba grass management on the site during the development so that gamba grass is satisfactorily managed at completion of works (a 15 metre gamba free buffer along all boundaries, roads and infrastructure for all Lots and Portions). Information regarding weed management is available at: <https://nt.gov.au/environment/weeds>. The WMP should be emailed for assessment to DevelopmentAssessment.DEPWS@nt.gov.au.

GENERAL CONDITIONS

5. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
6. 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 on the plan of subdivision submitted for approval by the Surveyor General.
8. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage, electricity facilities and telecommunication networks to each lot shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.
9. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, site earthworks, pedestrian/cycle corridors and crossings, 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.

10. 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.
11. Any reinstatement works required as a result of any damage 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.
12. All works relating to this permit must be undertaken in accordance with the endorsed Type 2 Erosion and Sediment Control Plan (ESCP) to the requirements of the consent authority. Should the endorsed Type 2 Erosion and Sediment Control Plan (ESCP) need to be amended, the revised ESCP must be developed and/or certified by a Certified Professional in Erosion and Sediment Control (CEPSC) to the satisfaction of the consent authority. The revised ESCP should be submitted for acceptance to Development Assessment Services via email: das.ntg@nt.gov.au.

All reasonable and practicable measures must be undertaken to prevent: erosion occurring onsite, sediment leaving the site, and runoff from the site causing erosion offsite. Appropriate erosion and sediment control measures must be effectively implemented throughout the construction phase of the development (including clearing and early works) and all disturbed soil surfaces must be satisfactorily stabilised against erosion at completion of works, to the satisfaction of the consent authority. For further information refer to the relevant Note below. At completion of works, clearance should be sought from the Department of Environment, Parks and Water Security regarding satisfactory implementation of permanent erosion and sediment control measures and site stabilisation. To arrange a clearance site inspection, email the Land Development Coordination Branch at: DevelopmentAssessment.DENR@nt.gov.au.
13. All works relating to this permit are to be undertaken in accordance with the approved Weed Management Plan to the requirements of the consent authority on the advice of the Department of Environment, Parks and Water Security.
14. The developer should implement necessary measures to ensure mosquito breeding does not occur during the construction phase of the development, to the requirements of the Top End Health Services, to the satisfaction of the consent authority.

NOTES:

1. The Northern Territory Subdivision Development Guidelines capture the technical standards to comply with for the construction of public infrastructure as part of subdivision works to the requirements of service authorities and local authorities. Prior to any works commencing, it is encouraged that you engage early with the relevant authority 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/>.

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. 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. Further information can be found at www.placenames.nt.gov.au.
5. There are statutory obligations under the Waste Management and Pollution Control Act 1998 (the WMPCA), that require all persons to take all measures that are reasonable and practicable to prevent or minimise pollution or environmental harm and reduce the amount of waste. The proponent is required to comply at all times with the WMPCA, including the General Environmental Duty under Section 12 of the WMPCA. There is also a requirement to obtain an authorisation prior to conducting any of the activities listed in Schedule 2 of the WMPCA. Guidelines to assist proponents to avoid environmental impacts are available on the Northern Territory Environment Protection Authority website at: <http://ntepa.ntg.gov.au/waste-pollution/guidelines/guidelines>.
6. Information regarding erosion and sediment control can be obtained from the IECA Best Practice Erosion and Sediment Control 2008 books available at www.austieca.com.au and the Department of Environment, Parks and Water Security ESCP Standard Requirements 2019 and Land Management Factsheets available at <https://nt.gov.au/environment/soil-land-vegetation>. For further advice, contact the Land Development Coordination Branch: (08) 8999 4446.
7. There are statutory obligations under the *Weeds Management Act 2001* to take all practical measures to manage weeds on the property. For advice on weed management please contact the Department of Environment, Parks and Water Security.

8. The developer should consult with the Public Transport section of the Department of Infrastructure, Planning and Logistics prior to finalising road designs to understand public transport design requirements.

REASONS FOR THE DECISION

1. Pursuant to section 51(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 proposal is to develop Lot 5460, Town of Palmerston for the purposes of a 62 lot subdivision comprising 59 residential lots varying in size, 2 public open space lots and 1 public open space / drainage lot. The balance of Lot 5460 will remain undeveloped.

Lot 5460 is located in Zone SP9 (Specific use). The Planning Act 1999 as amended on 31 July 2021, states in section 215(1):

If requested by the applicant, a development application in relation to a specific use zone, must be determined:

- *in accordance with this Act in force immediately before the commencement; and*
- *in relation to the elements of the planning scheme applicable immediately before the commencement.*

Given the site is located in Zone SP9 (Specific Use), in accordance with section 215, the proposal has been considered under the Northern Territory Planning Scheme 2007 (NTPS), which identifies that the proposal requires consent.

The proposal is subject to the following provisions of the NTPS:

- Schedule 1 – Zone SP9 (Specific Use): Clause 1, 2 and 3.
- Clause 11.2.1 – Site Characteristics in Residential Subdivisions
- Clause 11.2.2 – Infrastructure and Community Facilities in Residential Subdivisions
- Clause 11.2.3 – Lot size and configuration in Residential Subdivisions
- Clause 14.5.1 – Palmerston Eastern Suburbs Planning Principles and Area Plans

Clause 11.2.1 is considered relevant given the matters raised are not otherwise addressed by Zone SP9. Clause 11.2.2 and 11.2.3 are referred to for assessment in Zone SP9. An assessment against Clause 14.5.1 is required to satisfy Clause 2.4 which provides instruction on the relevant parts of the NTPS that apply to development in a Specific Use Zone. The proposal is also subject to Clause 2.7 – Reference to Policy, however where there is an inconsistency between the policy and the NTPS, the provisions of the NTPS prevail. In this instance, the Darwin Regional Land Use Plan is an application policy under Clause 2.7 which identifies the site as being intended for urban/peri-urban development. Given the proposal is for urban development, no further assessment is necessary against the policy.

The assessment found that the proposal was compliant with the requirements of the NTPS, with the exception of clause 2(b) and 3(b) of Zone SP9.

Clause 2(b) of SP9 seeks to ensure that a building envelope can be achieved on each residential lot with appropriate dimensions. It seeks to achieve this by referring to set dimensions for a designated 'housing typology' referred to in the clause.

All building envelopes for each lot comply with the minimum setback requirements for each housing typology in the zone. Majority of the lots comply with the lot width requirements, however variations are sought for lots 545, 546, 548, 549, 542, 552, 553, 554 and 575 as follows:

- Lots 545, 546, 548 and 549 are irregularly shaped Premium Traditional lots where the required frontage is 20m or greater. Lot 545 provides a 16m frontage, lot 546 provides a 12.7m frontage, lot 548 provides a 17.9m frontage and lot 549 provides a 17m frontage. To offset the reduced frontage width, a greater width has been accommodated toward the rear of the lot to facilitate an appropriate building envelope.
- Lots 542, 552, 553, 554 are regularly shaped Premium Traditional lots where the required frontage is 20m or greater. These lots provide an 18m frontage.
- Lots 572 and 575 are corner Premium Traditional lots. The housing typology diagrams do not specify varied frontage requirements for corner lots. Lot 572 achieves a dimension of 28.9 by 34.9 to mitigate the truncated corner, however Lot 575 has a dimension of 19.6m by 32m and is truncated on one corner.

The assessment found that an acceptable building envelope has been proposed for each residential lot which corresponds with the housing typologies in the zone. Specifically, lots 545, 546, 548 and 549 have an irregular shape only due to the irregular angle of the boundary of Zuccoli Phase 1 and the drainage reserve. These lots have been designed to be larger than the average Premium Traditional lot size to accommodate single dwellings in a manner which is aligned with the proposed housing typology for these lots. The building envelope plans show that single dwellings and vehicle access can be achieved on these lots.

The remaining lots are altered as a result of being corner lots, or have been slightly reduced to offset the larger lot sizes to ensure the average lot size for each housing typology continues to be achieved.

All proposed lots have a building envelope identified on the plan submitted that demonstrate the ability to provide dwellings, ancillary structures and vehicle access. The building envelope plans will be endorsed as part of the suite of plans attached to any approval. This is identified as an acceptable solution in the subsequent paragraph in SP9, clause 2(b) and allows the consent authority to support the variation.

Clause 3(b) of SP9 seeks to ensure that an appropriate mix of lot sizes are provided and refers to specific dimensions for lot frontages, lot sizes and a percentage determining the proportion of housing typologies allocated to each residential lot created.

The non-compliances for Phase 3.6 with clause 3(b) of Zone SP9 includes:

- Villa lots will make up 15.25% of Phase 3.6, where a maximum 15% is permitted.
- Economy-Traditional lots will make up 20.3% of Phase 3.6, where a maximum of 20% is permitted.
- Their average lot sizes and average lot frontages for most lot types vary slightly to those required.

Noting the above variations are minor in nature, when considering the proposal in the context of all of the development that is occurring in Zone SP9, and noting that Clause 3(b) applies across Zone SP9 and the development of this zone as a whole, a more significant variance is observed and summarised as follows:

- Traditional lots make up 19.7% of the subdivision, where a maximum of 12.5% is permitted.
- Villa, Courtyard, Traditional and Premium Traditional lot sizes are larger than the average size required.
- Economy-Traditional lots are smaller than the average lot size required.

A variation to clause 3(b) of Zone SP9 to allow an increase in the proportion of Traditional lots and minor variations to a number of average lot sizes can be supported in this instance for the following reasons:

- The variations in Phase 3.6 are minor in nature when compared to the development that has progressed across the entire SP9 Zone.
- The proposed subdivision will continue to provide lots of a size, configuration and orientation suitable for residential purposes.
- The lot mix reflects the current housing market, where larger lot sizes are preferred.

The application notes that future phases will be required to ensure the final balance of lots, with regard to average frontage, lot size and proportional requirements, accords with the requirements of Clause 3(b). On this basis, the consent authority is able to accept the variation in this instance.

2. Pursuant to section 51(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.

Comments received from services authorities and the local authorities indicate that the land is able to be developed for the intended purpose. It is noted that earthworks are proposed that will ensure all lots within

Phase 3.6 are suitable for their intended purpose. Works will be undertaken as part of construction of the development to ensure stormwater can be reasonably managed.

3. Pursuant to section 51(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.

Phase 3.6 adjoins previous stages to the west that have been constructed. The proposal will deliver two parks and additional road, cycling and pedestrian infrastructure that will benefit the residents of previous stages.

FOR: 5

AGAINST: 0

ABSTAIN: 0

ACTION:

Issue a Development Permit with conditions and Notice of Consent with reasons.

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

SUZANNE PHILIP
Chair

22 April 2021