



DEVELOPMENT CONSENT AUTHORITY

PALMERSTON DIVISION

MINUTES

MEETING NO. 281 – FRIDAY 15 MAY 2026

AGORA ROOM
HUDSON BERRIMAH
4 BERRIMAH ROAD
BERRIMAH

MEMBERS PRESENT: Suzanne Philip, Trevor Dalton, Elisha Harris, Sarah Henderson and Wayne Bayliss

APOLOGIES: Mark Fraser

LEAVE OF ABSENCE: None

OFFICERS PRESENT: Elya Sugg (A/Secretary), Benjamin Taylor and Shaik Aamir Shaik Alaudeen (Development Assessment Services)

COUNCIL REPRESENTATIVE: Christopher Tickner and Ivan Ng

Meeting opened at 10:11 am and closed at 11:04 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 **ALTERATIONS AND ADDITIONS TO AN EXISTING CLUB AND LEISURE AND RECREATION FACILITY (PALMERSTON GOLF AND COUNTRY CLUB), INCLUDING EXPANSION OF BAR AND BEER GARDEN AREAS AND ADDITION OF AN ANCILLARY PLACE OF ASSEMBLY (FUNCTION ROOM) LOT 2884 (103) DWYER CIRCUIT, DRIVER, TOWN OF PALMERSTON**
PA2026/0081
APPLICANT **TAILOR-MADE BUILDING SERVICES NT**

Applicant: David Page (Tailor-Made Building Services NT (DCP Building Services Pty Ltd) and Matthew Hewer (General Manager – Palmerston Golf & Country Club) attended. Mr Hewer tabled photographs (time stamped security camera images) indicating usage of car parking spaces on the site at various periods.

Submitters in attendance: Lee Monaghan, Ross Commons and Glen Patrick attended.

RESOLVED
11/26

That, pursuant to section 53(a) of the *Planning Act 1999*, the Development Consent Authority consents to the application to develop Lot 2884 (103) Dwyer Circuit, Town of Palmerston for the purpose of alterations and additions to an existing club and leisure and recreation facility (Palmerston Golf and Country Club), including expansion of bar and beer garden areas and addition of an ancillary place of assembly (function room), subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of drawings and prior to commencement of works, amended drawings to the satisfaction of the consent authority must be submitted to and approved by the consent authority. 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 dated 7 May 2026 (IN 4D Project Number 25007) but modified to show:
 - (a) An updated landscaping drawing that:
 - i. includes all landscaping works approved by development permits DP22/0141A and DP17/0387 (with exception to the footprint area being developed as part of this permit), and additional landscaping (planting) that will assist in screening the development from the residential subdivision to the west of the site. Noting that views from the place of assembly (function room) to holes 10 and 18 must be maintained.
 - ii. Provides additional screening (planting and/or screen fence) to screen passenger drop off area (headlight glare) from nearby residences (enhancement of details shown on endorsed drawings for DP17/0387)The landscaping drawing must include a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity, and quantities of each plant. All species selected must be to the satisfaction of the consent authority
 - (b) Addition of a parenting room (baby change room) on the premises.

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- (c) Location, dimensions and access of bike storage area/s (including number of spaces) and 'loading bay(s).
 - (d) Location and details of any proposed lighting (for wayfinding and illumination of the outdoor area of the function centre) located in a way that does not detrimentally impact on surrounding residential uses.
2. Prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Palmerston's stormwater drainage system shall be submitted to and approved by the City of Palmerston, to the satisfaction of the consent authority. The plan shall include details of site levels and Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system or an alternate approved connection.
 3. Prior to the commencement of use, a Waste Management Plan addressing the City of Palmerston's Waste Management Guidelines must be prepared, to the requirements of the City of Palmerston, to the satisfaction of the consent authority.

GENERAL CONDITIONS

4. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
5. Before the use or occupation of the development starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed drawings must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the drawings;
 - (c) surfaced with an all-weather-seal coat;
 - (d) drained;
 - (e) line marked to indicate each car space and all access lanes; and
 - (f) clearly marked to show the direction of traffic along access lanes and driveways.To the satisfaction of the consent authority. Car parking spaces, access lanes and driveways must be kept available for these purposes at all times.
6. All air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
7. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the consent authority.
8. Before the use/occupation of the development starts, the landscaping works shown on the endorsed drawings must be carried out and completed to the satisfaction of the consent authority.

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9. The landscaping shown on the endorsed drawings must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
10. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage and electricity services to the development shown on the endorsed drawings in accordance with the authorities' requirements and relevant legislation at the time. Please refer to notations 1 for further information.
11. 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.
12. 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.
13. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the City of Palmerston, Transport and Civil Services Division of the Department of Logistics and Infrastructure and Land Development Unit (Crown Land Estate division of the Department of Lands, Planning and Environment), as the case may be, to the satisfaction of the consent authority.
14. Storage for waste disposal bins is to be provided to the requirements of the City of Palmerston, to the satisfaction of the consent authority.
15. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways;
 - (c) undertake reinstatement works;all to the technical requirements of and at no cost to the City of Palmerston or Transport and Civil Services Division, of the Department of Logistics and Infrastructure), as the case may be, to the satisfaction of the consent authority.
16. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land 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.

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2. Any reinstatement works required as a result of any damage caused to City of Palmerston infrastructure or landscaping (including verges) must be undertaken by the developer, to the technical standards of and at no cost to the City of Palmerston.
3. Notwithstanding the endorsed drawings for this permit, all signage is subject to the City of Palmerston approval, at no cost to Council.
4. A “Permit to Work Within a Road Reserve” may be required from (the City of Palmerston or Transport and Civil Services Division of the Department of Logistics and Infrastructure, as the case may be, before commencement of any work within the road reserves.
5. 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.
6. The development and use hereby permitted must be in accordance with Northern Territory legislation including (but not limited to) the *Building Act 1993*, the *Public and Environmental Health Act 2011* and the *Food Act 2004*.
7. 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.
8. There are statutory obligations under the *Waste Management and Pollution Control Act 1998* (the Act), 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 Act, including the General Environmental Duty under Section 12 of the Act. There is also a requirement to obtain an authorisation prior to conducting any of the activities listed in Schedule 2 of the Act. Guidelines to assist proponents to avoid environmental impacts are available on the Northern Territory Environment Protection Authority website at <https://ntepa.nt.gov.au/publications-and-advice/environmental-management>. The Act, administered by the Northern Territory Environment Protection Authority, is separate to and not reduced or affected in any way by other legislation administered by other Departments or Authorities. The Environment Operations Branch of the Environment Division may take enforcement action or issue statutory instruments should there be non-compliance with the Act.

REASONS FOR THE DECISION

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

The NT Planning Scheme 2020 (NTPS2020) applies to the land, which is zoned OR (Organised Recreation). Alterations and additions to an existing club and leisure and recreation facility (Palmerston Golf and Country Club), including expansion of bar and beer garden areas and addition of an ancillary place of assembly (function room), specifically the ancillary 'place of assembly component', requires consent as set out in sub-clause 1(c)(i) of Clause 1.9 and sub-clause 1(c) of Clause 1.8 (When development consent is required). The development and use is identified as *Impact Assessable* under clause 1(c)(i) of Clause 1.9, therefore the Strategic Framework (Part 2 of the NTPS2020, including the Darwin Regional Land Use Plan (DRLUP), which is relevant to the site and this application), zone purpose and outcomes of Clause 4.18 (Zone OR (Organised Recreation)), and the following Part 5 requirements, need to be considered:

- 5.2.1 (General Height Control)
- 5.2.4.1 (Car Parking Spaces)
- 5.2.4.4 (Layout of Car Parking Areas)
- 5.2.5 (Loading Bays)
- 5.2.6.1 (Landscaping in Zone Other Than Zone CB)
- 5.2.7 (Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR)
- 5.5.3 (General Building and Site Design)
- 5.8.3 (Club)
- 5.8.4 (Exhibition Centre, Place of Assembly and Place of Worship)
- 5.8.5 (Leisure and Recreation)

These clauses have been considered and the Authority has found that the application (as amended) is generally consistent with the Strategic Framework and purpose and outcomes for Zone OR, no Overlays apply to the site, and the application (as amended) will be compliant with all requirements (subject to standard conditions) as outlined below.

Strategic Framework

Page 14 of the DRLUP in the 'Land Use Structure' identifies the proposed development as being located within an Urban / peri-Urban area and adjacent an existing arterial road and transport corridor.

Page 16 of the DRLUP lists anticipated land uses within this area which include (among other uses) community facilities and services, and sport, recreation and urban open space.

The primary uses of the subject site are *club and leisure and recreation*. These uses are accessible to the community and facilitate sport and recreation, and provide urban open space.

Page 28 of the DRLUP lists 'Key Community Facilities Objectives' which include "*Maintaining a high standard of community service provision through... appropriate provision and management of regional recreation facilities to encourage involvement of residents in sport, and to provide for healthy living and*

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premier sporting activities [and] encouraging the colocation of recreation facilities with other community uses particularly schools to maximise potential for multi-use”

In addition to other supporting uses (approved under previous *Planning Act* permits), the development (as approved) will provide another community accessible use which will increase the potential for multi-use activities on the same site.

Furthermore, the proposed (ancillary) *place of assembly* is a facility that may cater for the sports and active recreation needs of high profile international and national sporting events such as the PGA Tour of Australasia.

The amended drawings required by conditions on the permit will allow the development to provide further connection to the existing recreation and leisure use and improve the multi-use potential.

While the application was found to be generally consistent with the Strategic Framework and generally compliant with the planning scheme requirements, the consent authority can require a higher standard to meet the Strategic Framework and Zone Purpose and Outcomes pursuant to Clause 1.10(6).

Zone OR (Organised Recreation)

The purpose of Zone OR is to *“Provide for the development of community and commercial facilities for organised recreation activities”*.

The primary uses of the site (Lot 2884) are *leisure and recreation (part of a 18 hole golf course, mini golf, ancillary shop) and club (bistro, gaming area, beer garden, ancillary office)*. The land tenure is a Crown Lease in Perpetuity and the applicant indicates that the existing and proposed facilities are run for not-for-profit organisations (Associations) and that the proposed development will assist in supporting and maintaining the existing club use, which will support and assist the maintenance and upkeep of the *leisure and recreation* use.

Zone Outcome 1 is *“Development primarily for sport and recreation, leisure and recreation and community centre that cater for the organised active recreation needs of the community, including supporting infrastructure such as amenities blocks, outbuildings, spectator stands and lighting infrastructure”*.

A primary use of the land (Lot 2884 – 22.79ha) is *leisure and recreation (golf course)* and the applicant indicates that proposed development is *ancillary* to the primary use.

Zone Outcome 3 is that *“Other development that is complementary to and supports organised recreational activities, such as car park, club, food premises-restaurant and shop may also be established, where they do not compromise or conflict with the primary use of the land”*.

The Authority considers that the primary land uses are club and *leisure and recreation (merit assessable use within Zone OR)* and complement the other primary leisure and recreation use on the land, and the applicant has indicated

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that the existing facilities are run by a not-for-profit organisation and that the provision of the proposed facilities will “*cater for the sports and active recreation needs of the community, and the improvement of those facilities*”.

Zone Outcome 4 is that “*All development, including public infrastructure and outbuildings, is located, designed, operated and maintained to:*

- (a) make a positive contribution to the locality by incorporating a high quality of built form and landscape design;*
- (b) minimise unreasonable impacts to the amenity of surrounding premises and any residential land;*
- (c) mitigate the potential for land use conflict with existing and intended surrounding development;*
- (d) avoid adverse impacts on the local road network;*
- (e) provides safe and convenient pedestrian and bicycle access within the development and strong connections to external transport networks;*
- (f) avoid any adverse impacts on ecologically important areas; and*
- (g) allow passive surveillance of public spaces”*

Regarding sub-clause (a) of Outcome 4, the Authority notes that the application proposes an articulated building design that includes building setbacks and projections, changes in height, varied palette of materials, finishes and colours and projecting features, and subject to updated drawings, the existing landscaping has been consented to and is required to be maintained by conditions on the relevant previous Planning Act 1999 permits.

In addition to the above, further drawings The Authority requires a condition on the permit showing additional landscaping enhancements that will improve visual amenity when viewed from neighbouring residential uses with particular attention given to the residential area to the west of the subject site. The consent authority notes that the building setbacks and landscaping works will comply with minimum NTPS2020 requirements, most notably, Clause 5.27 (Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR).

Regarding sub-clause (c) of Outcome 4, the consent authority has considered that the potential for land use conflict is not significant given the *club* is existing and already includes multiple function areas, and the proposed development has been located so as not to prevent the function of the *leisure and recreation* use.

Regarding sub-clause (d) and (e), comments have been received from the City of Palmerston and Transport and Civil Services (Department of Logistics and Infrastructure) with regards to the impact on the local road networks, and the application appears to retain an existing pedestrian network within the site that connects to the proposed *place of assembly* and the existing developments, and with pedestrian networks external to the site.

Regarding sub-clause (f) of Outcome 4, the application proposes an outdoor area that overlooks the golf course which may provide passive surveillance during times of use.

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Clause 5.2.4.1 (Car Parking Spaces)

Development Permit DP22/0141 approved 214 car parking spaces where 270 were assessed as being required for the development and use of the site.

In the reasons for the decision (Notice of Consent for DP22/0141) for the reduction of car parking spaces, the consent authority accepted the applicant's car parking calculation which indicated an empirical parking demand of 184 spaces (156 spaces during the day and 184 car parking spaces during the evening).

The current application (including changes to the existing building and the addition of a new structure) requires an extra 27 car parking spaces to be on the site which (using the previous application's calculations) increase the required number of spaces to 211 where 214 are provided.

Sub-clause 3 allows the consent authority to "*require the provision of car parking spaces for any ancillary use or development in addition to that specified for the primary use or development in the relevant table to this clause*".

The proposed changes to the existing development include the repurposing of an existing golf buggy parking area to a beer garden.

The application is required to provide 10 car parking spaces per 100m² of "net floor area" of beer garden. The proposed changes do not have 'net floor area' however the definition of *Alfresco dining* includes beer gardens that are not airconditioned. Food premises (all) requires 6 car parking spaces per 100m² of any *alfresco dining areas*.

110.85m² area of additional beer garden (*alfresco dining areas*) are proposed which equals 7 car parking spaces (6.651 rounded up) based on the food premises (all) requirements.

The 7 car parking spaces in addition to the 211 car parking spaces required by sub-clause 5 would mean that a total of 218 car parking spaces are required when 214 are proposed.

Having considered the matters listed in sub-clause 2 of Clause 5.2.4.1 of the NTPS2020 as well as verbal evidence and documents tabled (photographs indicating demand and usage of existing car parking area on the site) by the applicant at the open session of the 15 May 2026 DCA meeting, the consent authority is satisfied that no additional car parking spaces are required on the site for the proposed development.

Sub-clauses 3 & 4 of Clause 5.2.5 (Loading Bays), and Sub-clause 13 of Clause 5.5.3 (General Building and Site Design)

The NTPS2020 definition of "loading bay" means - *an area set aside or designated for the loading and unloading of vehicles associated with the use of the land*. The DAS technical assessment identified that one "loading bay" was required for the uses on the site. The application (as exhibited) indicated that there is one loading bay provided on site however this was not shown on the drawings submitted. The updated drawings dated 7 May 2026 (IN 4D Project

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Number 25007) provided prior to the DCA meeting showed the 'loading bay', however vehicle access details (dimensions) are to be confirmed.

Sub-clauses 9, 13, 15 and 16 of Clause 5.5.3 (General Building and Site Design)

Sub-clause 9

Sub-clause 9 of Clause 5.5.3 requires - a development application must demonstrate consideration of the requirement to *minimise use of reflective surfaces*.

The applicant identifies that "*The use of reflective surfaces will be minimal, all glazed windows and doors are located under awnings*" however, the drawings do not identify the façade materials.

Amended drawings are required as a condition on the permit detailing the materials and colours of the exterior of the buildings.

Sub-clause 15

Sub-clause 15 of Clause 5.5.3 requires a development application must demonstrate consideration of the requirement to - *provide... parenting rooms and the like where the size of the development warrants such facilities*.

The consent authority notes that the club (and proposed extensions) and proposed place of assembly have the potential to host large gatherings of people, a percentage of who will children. Parenting rooms (baby change rooms) are considered to be warranted and the consent authority has discretion to require these facilities.

Amended drawings are required as a condition on the permit showing the addition of parenting rooms within the proposed or existing buildings, that is conveniently located and accessible to members, guests and visitors during functions and business hours and provides privacy for users.

Sub-clause 16

Sub-clause 16 of Clause 5.5.13 requires development to - *Provide bicycle access, storage facilities and shower facilities*.

The application (as exhibited) had identified that bicycle parking exists and that shower facilities are provided in the existing buggy shed ('golf cart storage' building) however, the location of bicycle storage were not shown on the exhibited drawings.

The updated drawings dated 7 May 2026 (IN 4D Project Number 25007) provided prior to the DCA meeting showed the "existing bike racks" near the pro shop, however access details, number of spaces (in that area) and any designated areas for staff bicycle storage are to be confirmed.

2. Pursuant to section 51(1)(e) of the *Planning Act 1999*, in considering a development application, the consent authority must take into account 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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The application was placed on public exhibition for a period of two weeks between 13 March 2026 through to 27 March 2026. Four public submissions were received under section 49(1) of the *Planning Act 1999*.

At the Development Consent Authority meeting held on 15 May 2026, the:

- applicant (David Page (of Tailor-Made Building Services NT) and
- Matthew Hewer (General Manager – Palmerston Golf & Country Club)
- Submitters in attendance were: Lee Monaghan, Ross Commons and Glen Patrick

attended the public session of the meeting. The submitters spoke to their concerns.

Submitters identified that:

- Club funding should be directed towards the upkeep of the golf course playing areas
- the proposed works (most notably the function area) appear to be encroaching into the playing area/s of the golf course
- anecdotally, pedestrian traffic to and from Martin Court laneway appears to have increased in the time since expansion of the club was completed in the last ~10 years (works approved by DP17/0387 and DP22/0141)
- improvements could be made to mitigate against potential intrusion of artificial light towards Martin Court residences.

Mr Hewer tabled photographs (time stamped security camera images) indicating usage of car parking spaces on the site at various periods.

The applicant noted that conditions of the liquor license (*Liquor Act 2019*), gaming licence, and Crown Lease in Perpetuity (*Crown Lands Act 1992*) contain provisions that regulate amenity and upkeep of the site. The land owner needs to comply with the requirements of the Associations Act 2003.

Under section 51(3) of the *Planning Act 1999* when considering a development application under subsection 51(1), the consent authority must apply the relevant considerations to only those components of the development that triggered the requirement for consent under the planning scheme. The development has been identified as *impact assessable* which requires the consent authority to take into account the following NTPS2020 requirements:

- (a) any relevant requirements, including the purpose of the requirements, as set out in Parts 5 or 6;
- (b) any Overlays and associated requirements in Part 3 that apply to the land;
- (c) the guidance provided by the relevant zone purpose and outcomes in Part 4, or Schedule 4.1 Specific Use Zones; and
- (d) any component of the Strategic Framework relevant to the land as set out in Part 2.

These parts have been assessed accordingly and, subject to compliance with conditions on a development permit, the application has been found to be fully compliant with relevant NTPS2020. The consent authority, as required by section 51(1)(e) of the Planning Act 1999, has carefully considered both the written submissions and the evidence adduced by the submitters at the meeting. Noting that

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- matters such as the presence of similar uses in the locality and issues relating to the management of the golf club are not planning concerns;
- further, amenity impacts relating to the liquor licence are properly dealt with under the *Liquor Act 2019*;
- the Authority considers that the application is fully compliant with the requirements of the relevant planning scheme;
- and the application is subject to pre-conditions addressing issues raised by submitters

the Authority considers relevant concerns raised by the submitters within a planning context are met.

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 regarding land capability have been raised by service authorities or the local government council. The locations of existing service authority easements have been identified on the site drawings and no encroachments have been identified.

A public submission was received identifying concerns regarding the management of stormwater however this will need to be to the requirements of the authorities responsible for managing stormwater as well as conditions of previous *Planning Act 1999* approvals for the site and the Crown Lease in Perpetuity.

Additionally, the applicant intends to amend the existing landscaping which may impact visual amenity of the area. Landscaping has been considered and an amended drawing showing existing and proposed landscaping is required as a condition the permit.

Subject to compliance with the permit conditions, the land is considered capable of supporting the proposed development.

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

The conditions of approval and advisory notes are intended to ensure that service authority interests are appropriately recognised and protected. This includes requirements relating to stormwater drainage, works within road reserves, works adjacent to easements, and the connection to or upgrading of electricity, water supply and sewerage services necessary to support the development.

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The conditions also ensure that the relevant NTPS2020 objectives and development performance criteria relating to access, works within road reserves, and the provision of services and infrastructure will be met. Compliance with these requirements will ensure that the development is adequately serviced and that public utilities and infrastructure are protected and maintained.

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 *Planning Act 1999* and NTPS2020 defines “amenity” as, in relation to a locality or building, means any quality, condition or factor that makes or contributes to making the locality or building harmonious, pleasant or enjoyable.

The impacts to amenity as a result of this proposed development may include visual impacts, artificial light impacts, noise impacts and impacts from the operation of the use to neighbouring residential areas.

The above impacts to amenity have been considered. The visual impacts and impacts from artificial lights are likely to be mitigate through proposed landscaping, required landscaping and conditions on the permit. The noise impacts and impacts from the operation of the use are likely to be regulated through the *Liquor Act 2019* and conditions on the Crown Lease.

Other impacts to amenity are likely during the construction phase however this is expected as part of development and will likely be regulated through other legislation and advisory notes to this effect are included on the permit.

6. Pursuant to section 51(1)(t) of the *Planning Act 1999*, in considering a development application, the consent authority must take into account other matters it thinks fit.

The land is held under Crown Lease in Perpetuity CLP1026, issued to the lessee, Palmerston Golf and Country Club Incorporated. The lease purpose is “golf and country club”. The application was referred to the Crown Land Estate division of the Department of Lands, Planning and Environment for comment. CLE provided late advice on 8 May 2026 and raised no objection to the proposed development. Compliance with the purpose and requirements of CLP1026 remains the responsibility of the lessee, and no lease-related matters have been identified that would prevent the consent authority from determining the application.

FOR: 5

AGAINST: 0

ABSTAIN: 0

ACTION: Development Permit and Notice of Consent

ITEM 2

PA2025/0472

CONCURRENT APPLICATION

AMENDMENT PROPOSAL- REZONE FROM ZONE LR (LOW DENSITY

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**RESIDENTIAL) TO ZONE LMR (LOW TO MEDIUM DENSITY RESIDENTIAL)
DEVELOPMENT PROPOSAL - DWELLING-GROUP (4 X 4 BEDROOM) IN 1 X
2 STOREY BUILDING
LOTS 9185, 9186 & 9187 (6, 8 & 10) HEDLEY PLACE, DURACK TOWN OF
PALMERSTON**

APPLICANT

ONE PLANNING CONSULT

Applicant: Israel Kgosiemang (One Planning Consult) attended.

**RESOLVED
12/26**

As required by section 30P(1)(a) of the *Planning Act 1999*, the consent authority must make a preliminary decision that, if the Minister for Lands, Planning and Environment were to approve the amendment proposal to rezone Lots 9187 (10), 9186 (8) and 9185 (6) Hedley Place, Durack, Town of Palmerston to Zone LMR (Low Medium Density Residential), that it would be likely to determine to consent to the development under section 30W(1)(a) conditionally for the purpose of a dwelling-group (4 x 4 bedroom) in 1 x 2 storey building subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of drawings and prior to commencement of works, amended drawings to the satisfaction of the consent authority must be submitted to and approved by the consent authority. 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 but modified to:

- (a) remove the notation “keep hedge height to a maximum of 1.0m high along rear boundary to allow for views of golf course”, or amend the notation to “keep planting height to a minimum of 1m (at maturity) along rear boundary to allow for views of golf course” (or similar), and approve a variation to Clause 5.4.6.1 of the NTPS2020 that allows plants along this boundary to have a minimum height of 1m at maturity.
- (b) include a window schedule that identifies window types of inner facades. Windows should be opaque glass or of high (sill) height or similar design treatment to mitigate against overlooking between dwellings
- (c) show unobstructed access to the Power and Water Corporation electricity supply easements/distribution pillars from the road reserve.
- (d) Show locations of required water meters (multi-meters and associated common property / clearance distances as required by the Power and Water Corporation).

2. Prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Palmerston stormwater drainage system shall be submitted to and approved by the City of Palmerston, to the satisfaction of the consent authority. The plan shall include details of site levels and Council’s stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council’s system or an alternate approved connection.

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3. Prior to the commencement of works, a Waste Management Plan addressing the City of Palmerston's Waste Management Guidelines must be prepared, to the requirements of the City of Palmerston, to the satisfaction of the consent authority.
4. Prior to the commencement of works, the applicant is to prepare and submit a driveway plan to be approved by City of Palmerston, to the satisfaction of the consent authority

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. Before the use or occupation of the development starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed drawings must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the drawings;
 - (c) surfaced with an all-weather-seal coat; and
 - (d) drained;to the satisfaction of the consent authority. Car parking spaces, access lanes and driveways must be kept available for these purposes at all times.
7. Before the use/occupation of the development starts, the landscaping works shown on the endorsed drawings must be carried out and completed to the satisfaction of the consent authority.
8. The landscaping shown on the endorsed drawings must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
9. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage, electricity and telecommunications services to the development shown on the endorsed drawings in accordance with the authorities' requirements and relevant legislation at the time.

Please refer to notations 3, 4 & 5 for further information.
10. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant authority to the satisfaction of the consent authority.
11. 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.
12. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the City of Palmerston, to the satisfaction of the consent authority.

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13. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street, in accordance with the requirements of the City of Palmerston, to the satisfaction of the consent authority.
14. The kerb crossings and driveways to the site approved by this permit are to meet the technical standards of the City of Palmerston, to the satisfaction of the consent authority.
15. Storage for waste disposal bins is to be provided to the requirements of City of Palmerston to the satisfaction of the consent authority.
16. All air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner, to the satisfaction of the consent authority.
17. Prior to the use/occupation of the development and connection of services (i.e. power and water), the owner of the land must apply for street addressing from the Surveyor-General of the Northern Territory. This will form the legal address and will be required to be placed on the meters within the development in accordance with the allocation. A Certificate of Compliance (section 65 *Planning Act 1999*) will not be able to be granted until such time as addressing is obtained.
18. Confirmation shall be provided to Development Assessment Services (in the form of an email addressed to the Power and Water Corporation) from a suitably qualified professional confirming that all new number labels have been correctly installed at the Customer's Metering Panel(s) and water meters (where applicable). Please provide a copy of an email addressed to both waterdevelopment@powerwater.com.au and powerconnection@powerwater.com.au.
19. Prior to issue of Certificate of Compliance (section 65 *Planning Act 1999*) for this permit or commencement of the use, Lots 9185, 9186 and 9187, Town of Palmerston are to be consolidated, and title issued for the new lot.

NOTES:

1. 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.
2. This permit will expire if one of the following circumstances applies:
 - (a) the development and use is/are not started within two years of the date of this permit;
 - or
 - (b) the development is not completed within four years of the date of this permit.

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The consent authority may extend the periods referred to if a request is made in writing before the permit expires.

3. The Power and Water Corporation advises that the Water and Sewer Service 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.
4. If you choose NBN to service your development, you will need to enter into a development agreement with NBN. The first step is to register the development via <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/newdevelopments.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/buildersdesigners.html>.
5. 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.
6. Any proposed works which fall within the scope of the *Construction Industry Long Service Leave and Benefits Act 2005* must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 8936 4070 to determine if the proposed works are subject to the Act.
7. Any reinstatement works required to Council infrastructure or landscaping must be undertaken by the applicant, to the technical standards of and at no cost to the City of Palmerston.
8. All approved works impacting on City of Palmerston infrastructure must be completed to the satisfaction and technical requirements of City of Palmerston and constructed at the developer's expense.
9. A "Permit to Work in a Public Place" will be required from the City of Palmerston before commencement of any work within Council owned land.
10. Any signage is subject to the City of Palmerston approval, at no cost to Council.
11. There are statutory obligations under the *Waste Management and Pollution Control Act 1998* (the Act), that require all persons to take all measures that

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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 Act, including the General Environmental Duty under Section 12 of the Act. There is also a requirement to obtain an authorisation prior to conducting any of the activities listed in Schedule 2 of the Act. Guidelines to assist proponents to avoid environmental impacts are available on the Northern Territory Environment Protection Authority (NT EPA) website at <http://ntepa.ntg.gov.au/waste-pollution/guidelines/guidelines>. The proponent is advised to take notice of the Northern Territory Noise Management Framework Guideline provided by the NT EPA, and which is available at <https://ntepa.nt.gov.au/your-environment/noise>.

REASONS FOR THE DECISION

1. Pursuant to sections 30P(2)(a) of the *Planning Act 1999*, the consent authority must take into account any planning scheme that applies to the land to which the application relates.

The Northern Territory Planning Scheme 2020 (NTPS 2020) applies to the land. The proposed zoning of the land will be LMR (Low-Medium Density Residential), and within zone LMR the use of dwelling-group (less than 5 dwellings) is identified as being permitted, subject to compliance with sub-clause 1(a) of Clause 1.8 of the NTPS2020. No Overlays apply to the land.

The development proposal component of the concurrent application has been assessed as if the site were rezoned to LMR and the lots ultimately consolidated. Sub-clause 2 of Clause 1.10 of the NTPS2020 requires the consent authority, when considering a use that has become merit assessable, to consider the Part 5 requirements that are not complied with and whether the proposal meets the purpose of those requirements. The assessment has been carried out in accordance with that direction.

The assessment found that the proposed dwelling-group is compliant with all relevant Part 5 NTPS2020 requirements with the exception to Clauses:

- 5.4.1 (Residential Density)
- 5.4.3 (Building Setbacks of Residential Building and Ancillary Structures)
- 5.4.6.1 (Private Open Space for Dwellings-single, Dwellings-independent and Dwellings-group) and
- 5.4.8.1 (Building Design for Dwelling-group, Rooming Accommodation and Residential Care Facility).

Sub-clause 1(c) of Clause 1.10 specifies - in considering an application for consent for a use or development, the consent authority must consider the use or development in its entirety except in relation to - a Merit Assessable application under Clause 1.8(1)(b)(ii)(2).

The proposed development has become 'merit assessable' under Clause 1.8(1)(b)(ii)(2) and therefore, pursuant to Clause 1.10(2), "In considering an application for consent for a use or development that has become Merit Assessable under Clause 1.8(1)(b)(ii)(2), the consent authority must consider

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the requirements in Part 5 that are not complied with and whether the proposal meets the purpose of the requirements, and under Clause 1.10(5)(a) “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”.

Clause 4.3 – Zone LMR (Low-medium Density Residential)

The purpose of Zone LMR is to “Provide a range of low rise housing options that contribute to the streetscape and residential amenity in locations supported by community services and facilities, and where full reticulated services are available”.

The application for dwellings-group is consistent with the purpose because the application is for a low-rise (two-storey) residential building. The two-storey building is a well-articulated design that provides housing options in an area dominated by single-storey buildings, and is located close to shops, recreational facilities (golf course) and a child care centre.

The relevant zone outcomes are outcomes 1, 5 and 6, which are discussed below.

Zone Outcome 1 is “A blend of dwellings-single, associated dwellings-independent, dwellings-group and dwellings-multiple predominantly of two storeys or less, on a range of lot sizes that respond to changing community needs”.

The application is consistent with Outcome 1 because the application for a two-storey dwelling-group.

Zone Outcome 5 is that “Building design, site layout and landscaping provide a sympathetic interface to the adjoining public spaces and between neighbours, provides privacy and attractive outdoor spaces”.

The application is generally consistent with Outcome 5 because the proposed building design, site layout and landscaping adds interest to the streetscape. It is noted, however, that it does not provide adequate privacy between the private open space towards the front of the property (see Clause 5.4.6.1 below for discussion).

Zone Outcome 6 is “An efficient pattern of land use with all lots connected to reticulated services, integrated with existing transport networks, and with reasonable access to open space and community facilities”.

The application is expected to be consistent with Outcome 6 which relates primarily to subdivision applications. It is expected that the development/land is already connected to reticulated services. In addition, the proposal is well placed to make use of close by public facilities and higher density residential (higher than the surrounding LR zones) is generally supported in these areas.

Clause 5.4.1 (Residential Density)

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The maximum number of dwellings-group that may be constructed on the site is to be 1 dwelling per 300m² for a 2+bedroom dwelling as part of a dwelling-group. The application does not comply with sub-clause 2 of Clause 5.4.1 because the site area (after consolidation) will be 1138m² and 4 x 4 bedroom dwellings-group are proposed which equals a dwelling density of 1 dwelling per 284.5m².

The purpose of Clause 5.4.1 is to *“Ensure that the development of residential buildings:*

- (a) is of a density compatible with adjoining or nearby existing development or development reasonably anticipated;*
- (b) is of a density compatible with the existing or planned provision of reticulated services and community facilities which will service the area; and*
- (c) is consistent with land capability having regard to relevant characteristics including but not limited to the drainage, slope, seasonal inundation, landforms or soil characteristics, heritage constraints or noise from aircraft operations”.*

The application is assessed as being consistent with the purpose of Clause 5.4.1 noting that:

- Although no other developments in the area have residential densities higher than 1 dwelling per 300m², the Compact Urban Growth Plan (CUGP) would support a higher density in this area (close to an activity centre).
- the site is connected to reticulated services and service authorities (Power and Water Corporation & local government council) have advised of no objections in principle to the proposed dwelling design and density subject to standard permit conditions.
- The land is reasonably flat (no large slopes) and is currently zoned for residential use (Zone LR). No land capability issues have been identified. Additionally, the applicant indicates that stormwater will be discharged into Council’s existing drainage systems.

Administratively, sub-clause 1 of Clause 5.4.1 allows the consent authority to *“consent to a development that is not in accordance with sub-clause 2 only if it is satisfied it is consistent with the purpose of this clause and the zone purpose and outcomes, and it is appropriate to the site having regard to such matters as its location, scale and impact on adjoining and nearby property”.*

The proposed development is consistent with the zone purpose and relevant outcomes as discussed above. Additionally, the proposal is well designed (is two-storey allowing for efficient use of land), minimises overlooking to adjacent properties and complies with the majority of other Part 5 development requirements. No public submissions were received during the exhibition period.

The dwelling facades are well articulated, and the design provides opportunities for passive surveillance from the 1st floor which is currently not available in the immediate area.

For the above reasons, the consent authority considers a variation to Clause 5.4.1 to be appropriate.

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Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures)

Sub-clause 8 of Clause 5.4.3 requires a minimum side/rear boundary setback for roof structures of 0.6m and a minimum primary street boundary setback for roof structures of ancillary structures without external walls of 3.6m.

The application does not comply with these requirements because the setback of the roof structure to the north eastern side of the lot (side/rear boundary) is setback 0.23m, and the setback of the roof structure of an ancillary structure without external walls (patio) along the south eastern side of the lot (primary street boundary) is setback 3.13m.

The purpose of Clause 5.4.3 is to “*Ensure that residential buildings and ancillary structures are located in a manner that:*

- (a) is compatible with the streetscape and surrounding development including residential buildings on the same site;*
- (b) minimises adverse effects of building massing when viewed from adjoining land and the street;*
- (c) avoids undue overlooking of adjoining properties; and*
- (d) facilitates breeze penetration through and between buildings.*

The proposed development is considered to be consistent with the purpose of Clause 5.4.3 because, due to the tapering and scale of the setback encroachments, neither encroachments are likely to contribute to adverse effects of building massing. Additionally, the encroachments are small portions of roof structure (no walls), and as such, are unlikely to contribute to overlooking or inhibit the flow of breeze.

Administratively, sub-clause 3 allows the consent authority to “*consent to a development that is not in accordance with sub-clauses 6-8 only if it is satisfied that the reduced setback is consistent with the purpose of this clause and it is appropriate to the site having regard to such matters as its location, scale and impact on adjoining and nearby property*”.

The reduced building setbacks are consistent with the purpose of this clause as discussed above, and for the same reasons is considered to be appropriate to the site.

For the above reasons, the consent authority considers a variation to Clause 5.4.3 to be appropriate.

Clause 5.4.6.1 (Private Open Space for Dwellings-Single, Dwellings-Independent and Dwellings-Group)

Sub-clause 3 of Clause 5.4.6.1 requires private open space at ground level to be “*screen fenced to a height of at least 1.8m providing a visual barrier to adjoining residences and public areas; or fenced to a height of at least 1.8m and planted with dense vegetation which will provide a visual barrier at maturity*”.

With exception to the north section of the west boundary fence (which is proposed to be visually impermeable fencing), the applicant proposes ‘high

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garden tubular' fences or 1.8m high chain mesh fencing (permeable) along the length of the boundary (excluding driveways which have tubular gates). The applicant also proposes 'good neighbour' fencing between private open spaces within the north portion of the lot.

The proposal does not comply with sub-clause 3 because no fences are proposed around the internal edges of private open spaces in the southern portion of the site, and the landscape plan indicates that the species planted along these edges will only grow to a height of 1m.

In addition to the above, a notation on the landscape plan indicates that planting along the north façade will not provide screening to a height of 1.8m (notation on landscape plan says "keep hedge height to a maximum of 1.0m high along rear boundary to allow for views of golf course").

The purpose of Clause 5.4.6.1 is to "Extend the function of a dwelling and enhance the residential environment by ensuring that each dwelling has private open space that is:

- (a) of an adequate size to provide for domestic purposes;
- (b) appropriately sited to provide outlook for the dwelling;
- (c) open to the sky and sufficiently permeable to allow stormwater infiltration and lessen runoff from the site; and
- (d) inclusive of areas for landscaping and tree planting".

The application is consistent with the purpose of this clause because a compliant size of private open space area has been proposed (including open to the sky and permeability requirements) and can be viewed from habitable rooms. Additionally, the private open space is located along most of the boundary which will allow for sufficient infiltration of stormwater runoff.

Administrative-clause 1 allows the consent authority to "consent to private open space that is not in accordance with sub-clauses 2 and 3 only if it is satisfied it is consistent with the purpose of this clause and the zone purpose and outcomes, and it is appropriate to the site having regard to such matters as its location, scale and impact on adjoining and nearby property".

The private open space is consistent with the purpose of this clause and the purpose of the Zone LMR as discussed above.

Zone LMR Zone Outcome 5 is "Building design, site layout and landscaping provide a sympathetic interface to the adjoining public spaces and between neighbours, provides privacy and attractive outdoor spaces".

The private open space is not consistent with Zone LMR Zone Outcome 5 because a notation included on the proposed landscaping drawings ('keep hedge height to a maximum of 1.0m high along the boundary to allow for views of the golf course') allows overlooking from the golf course, and the design does not provide adequate privacy for private open spaces located within the south portion of the property because the private open space is not screened.

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Conditions on the permit require amended drawings that either remove the notation from the drawings or amend the notation to say “keep planting height to a minimum of 1m (at maturity) along rear boundary to allow for views of golf course” (or similar).

The amended drawings will allow the private open space within the north portion of the site to be screened if the occupant chooses while still allowing the opportunity to provide views and passive over the golf course.

In addition to the above, although the private open space in the south portion of the site is not adequately screened, it is considered that each unit includes a sufficient area of private open space areas A and B within the north portion of the site. Additionally, some screening (planting to a height of 1m) has been proposed along the subject boundaries.

In this instance a variation to Clause 5.4.6 is appropriate to allow the internal boundaries of the private open space within the south portion of the lot to be unfenced, and to allow a reduce height of screening along the boundary abutting the golf course.

Clause 5.4.8.1 (Building Design for Dwelling-group, Rooming Accommodation and Residential Care Facility)

Sub-clause 6 of Clause 5.4.8.1 requires the consent authority should take into account how the building design has addressed the requirement to “*Conceal service ducts, pipes, air conditioners, air conditioning plants etc*”.

A standard condition is included on the permit that requires “All air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner, to the satisfaction of the consent authority”.

Sub-clause 7 requires the consent authority should take into account how the building design has addressed the requirement to “*Avoids overlooking of private open spaces and habitable rooms of adjacent residences on the same and adjacent sites*”

The application does not comply with sub-clause 7 because the proposed design allows overlooking of private open spaces from adjacent residences.

In addition to the above, it is unclear what materials the windows facing the adjacent dwellings are made from and therefore it cannot be determined whether the design allows overlooking of habitable rooms. To ensure there is no overlooking of habitable rooms, a condition has been included on the permit that requires that amended drawings that include a window schedule that identifies window types of inner facades.

The purpose of Clause 5.4.8.1 is to “*Promote site-responsive designs for dwelling-group, rooming accommodation and residential care facility, which provide a pleasant living environment for the occupants and a sympathetic*

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interface with adjoining lots, to minimise unreasonable impacts on the privacy and amenity of surrounding residents”.

The application is consistent with the purpose because the application proposes a design that contributes positively to the streetscape through an articulated building design and proposes an area of landscaping that exceeds the required amount. Additionally, the building design along with the proposed landscaping (plants) allows for passive surveillance over public areas while also providing privacy.

There are no administrative clauses preventing the consent authority from consenting to a development that does not comply with sub-clauses 3 through to 14. It is noted however that an adequate amount of private open space is considered to be provided within the north portion of the site (see discussion under Clause 5.4.6.1 (Private Open Space for Dwellings-Single, Dwellings-Independent and Dwellings-Group))

For the above reasons it is considered that a variation to Clause 5.4.8.1 is appropriate to allow overlooking from the proposed dwellings into the adjacent unit’s private open space located in the south portion of the site.

2. Pursuant to sections 30P(2)(b) of the *Planning Act 1999*, the consent authority must take into account the amendment proposal contained within the application.

The ‘amendment proposal’ within this concurrent application relates to a proposed change in the zoning of the land, from Zone LR (Low Density Residential) to Zone LMR (Low Medium Density Residential). The reason for the rezoning is because the use/development of dwelling-group (4 dwellings) is prohibited within Zone LR.

3. Pursuant to Section 30P(2)(j) of the *Planning Act 1999*, the consent authority must take into consideration the capability of the land to support the development proposal and the effect of the proposal on the land, and on other land, the physical characteristics of which may be affected by the proposal.

A Caution Notice is registered on the Land Titles identifying that the three parcels are a “land fill site”. As part of a future building certification process, a certifier will typically require soil compaction tests to demonstrate suitability (stability) of the land.

The applicant suggests that “The site is considered capable of supporting the proposed development, as it has a relatively steady slope terrain with minimal and manageable physical constraints. The impact of the development is not beyond what would be normally expected of this type of development. Appropriate measures will be taken to ensure all stormwater is managed appropriately to the requirements of City of Palmerston”.

The site is currently zoned for residential use and the application proposes a slightly higher density zone that would currently be permitted on the site for a LMR zone (4 dwellings instead of 3). Should the rezoning of the land be

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approved, the site is likely to be able to support the proposed use (dwelling-group).

Works within the road reserves will require approval from the City of Palmerston, this may include upgrading of the verges and access points. Fencing to property boundaries will need to avoid conflict with Power and Water Corporation electricity and sewerage easements.

Additionally, no servicing issues have been raised by service authorities and no comments have been received by the Land Resource Division of the Department of Lands, Planning and Environment.

4. Pursuant to Section 30P(2)(l) of the *Planning Act 1999*, the consent authority must take into consideration the public utilities or infrastructure provided in the area in which the land is situated and any requirement for:
 - i. public facilities and services to be connected to the land; and
 - ii. facilities, infrastructure or land to be provided by the applicant;

The conditions of approval and advisory notes are intended to ensure that all relevant service authority interests are appropriately recognised and that the development is connected to, and serviced by, essential public utilities in accordance with NT requirements. This includes matters relating to:

- Stormwater drainage and lawful discharge arrangements.
- Works within road reserves, including access construction and protection of existing assets.
- Works on or adjacent to easements to ensure that infrastructure remains accessible for inspection, maintenance and upgrade.
- Connections to and upgrading of electricity supply, including any augmentation required to support the development.
- Water supply and sewerage services, ensuring that the development can be lawfully and adequately serviced in accordance with Power and Water Corporation standards.
- The three lots are consolidated into one parcel / title to comply with service authority requirements

These measures collectively support compliance with the NT Planning Scheme 2020 objectives and development performance criteria relating to access, works within road reserves, and the provision of services and infrastructure. The conditions and advisory notes provide a clear framework to ensure that the development is appropriately serviced and that responsibilities for infrastructure provision, protection and connection are clearly defined.

5. Pursuant to Section 30P(2)(m) 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 proposed development is consistent with the purpose and outcomes of the proposed Zone LMR, and generally complies with the purposes, requirements and administrative clauses of NTPS2020 Part 5, subject to conditions. The site is currently vacant, and the proposed built form—being well-articulated and incorporating landscaping that exceeds minimum

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requirements—is expected to deliver a positive contribution to the streetscape and support a coherent residential character consistent with the zone’s intent.

Some temporary impacts to amenity are likely to occur during the construction phase; however, these impacts are both necessary and expected for a development of this scale. The *Waste Management and Pollution Control Act 1998*, *Work Health and Safety (National Uniform Legislation) Act 2011* and associated environmental legislation impose statutory environmental duties on builders and contractors, requiring the adoption of measures to minimise noise, dust, waste and other off-site impacts. Advisory notes reinforcing these obligations are included on the development permit to assist in managing amenity during construction.

Overall, subject to compliance with permit conditions, the development is not expected to result in any unreasonable or ongoing adverse impacts on the existing or future amenity of the locality.

FOR: 5

AGAINST: 0

ABSTAIN: 0

ACTION: Development Permit and Notice of Consent

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

SUZANNE PHILIP
Chair

29 May 2026