



DEVELOPMENT CONSENT AUTHORITY

PALMERSTON DIVISION

MINUTES

MEETING NO. 282 – FRIDAY 12 JUNE 2026

AGORA ROOM, HUDSON BERRIMAH
4 BERRIMAH ROAD
BERRIMAH

MEMBERS PRESENT: Suzanne Philip, Trevor Dalton, Elisha Harris, Mark Fraser and Wayne Bayliss

APOLOGIES: Sarah Henderson

LEAVE OF ABSENCE: None

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

COUNCIL REPRESENTATIVE: Christopher Tickner and Ivan Ng

Meeting opened at 10:21am and closed at 11:51am

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

ITEM 1 **SUBDIVISION TO CREATE 397 LOTS (382 RESIDENTIAL AND 5 PUBLIC
PA2026/0086** **OPEN SPACE LOTS) IN 8 STAGES
(THE HEIGHTS STAGES 12-19)**

APPLICANT **LOT 12954 AND LOT 16214 DURACK TOWN OF PALMERSTON
CUNNINGTON ROSSE TOWN PLANNING AND CONSULTING**

Applicant: Brad Cunnington (Cunnington Rosse Town Planning and Consulting) attended.

Submitters in attendance: Cheryl Dennis, Tiska Howell and Gary O'Hearn attended.

Interested Parties: Brittany Duggan, Richard McArthur, Pat Coleman, Andrew Harvey, Barbara Taylor and Karen Taylor attended

RESOLVED
16/26

That, the Development Consent Authority vary the requirements of sub-clause 6 of Clause 6.2.1 (Lot Size and Configuration for Subdivision in Zones LR, LMR, MR and HR) of the Northern Territory Planning Scheme 2020, and pursuant to section 53(a) of the *Planning Act 1999*, consent to the application to develop Lots 12954 & 16214, Kooyonga Parade, Durack, Town of Palmerston for the purpose of a subdivision to create 397 lots (382 residential and 5 public open space lots) in 8 Stages ('The Heights' Stages 12-19), subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works, amended/additional plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) the combined minimum building envelope and area of private open space overlaid on a slope plan, which also shows correct slopes
 - (b) A building envelope plan showing the level of compliance with sub-clause 6 of Clause 6.2.1 (Lot Size and Configuration for Subdivision in Zones LR, LMR, MR and HR) of the NT Planning Scheme 2020
 - (c) clear identification of the portions of Lots 12954 and 14473 that are currently zoned PM (Proposed Main Road) as being proposed road openings.
2. Prior to the endorsement of plans and prior to commencement of works, an updated Traffic Impact Assessment (TIA) must be prepared in accordance with the NT Subdivision Development Guidelines (Version 2.3 – May 2025), and be submitted to and approved by City of Palmerston for the proposed subdivision, to the satisfaction of the consent authority.
3. Prior to commencement of works a targeted survey of the site for *Typhonium praetermissum* is to be undertaken by the Developer to inform an assessment

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of the potential impacts on the species using the Australian Government's Significant Impact Guidelines 1.1 – Matters of National Environmental Significance. The survey should be undertaken at the appropriate time of year by a suitably qualified person with experience surveying for cryptic threatened plant species. The Flora and Fauna Division of the Department of Lands, Planning and Environment has prepared guidelines, '*Northern Territory guidelines for targeted surveys of threatened and significant plant species*', outlining the recommended survey methodology for *T. praetermissum* (Bickerton et al 2020). The survey must be to the requirements of, and submitted to the Flora and Fauna Division of the Department of Lands, Planning and Environment to the satisfaction of the consent authority.

Contact Flora and Fauna Division, Department of Lands, Planning and Environment (ph: 08 89955014) for further information.

4. Prior to the endorsement of plans, the following is to be prepared in accordance with the requirements of the NT Subdivision Development Guidelines (Version 2.3 – May 2025) and to be submitted to and approved by relevant authorities (indicated below), to the satisfaction of the consent authority.

The Subdivision Master Plan is to address:

- (a) Streets and Pathways Masterplan supported by the approved Traffic Impact Assessment (the City of Palmerston)
- (b) An updated Part 1 Stormwater Management Plan (the City of Palmerston)
- (c) An updated Public Open Space Masterplan (the City of Palmerston)
- (d) A staging plan showing the sequence of development (the City of Palmerston)
- (e) Electrical Masterplan (Power Services – Power and Water Corporation)
- (f) Water and Sewerage Masterplan (Water Services - Power and Water Corporation)

Any variations to the approved Master Plan must be referred back to the relevant service authority for review and approval.

5. Prior to the endorsement of plans and prior to commencement of works, the Developer must have a Noise Assessment carried out, considering the Department of Logistics and Infrastructure's policy - "Road Traffic Noise on NT Government controlled roads" by a suitably qualified person and in accordance with AS3671: Road Traffic Noise Intrusion - Building Siting and Construction, of the Subdivision's present and predicted future exposure to road traffic noise levels. Where required or recommended under the noise assessment report, the Developer must provide appropriate noise attenuation measures to the satisfaction of the consent authority.
6. Prior to the commencement of works, a Construction Traffic Management Plan (CTMP) must be submitted to and approved by Transport and Civil Infrastructure (TCI), Department of Logistics and Infrastructure (DLI), to the satisfaction of the consent authority.
7. Prior to the commencement of works, the applicant is to prepare an Environmental and Construction Management Plan (ECMP) to the

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requirements of the City of Palmerston. The ECMP is to address how construction will be managed on the site, and is to include details of waste management, traffic control and haulage routes, stormwater drainage and the use of City of Palmerston land during construction. The ECMP should include details of the location of the crane and any holding areas and details about how stormwater will be managed for each development stage to protect the downstream environment.

8. Prior to commencement of works, a Part 2 Stormwater Management Plan, must be prepared in accordance with the NT Subdivision Development Guidelines (Version 2.3 – May 2025) and be submitted to and approved by City of Palmerston, to the satisfaction of the consent authority.
9. Prior to the commencement of works, a Site Earthworks Masterplan indicating finished levels of the subdivision is to be submitted to and approved by the City of Palmerston to the satisfaction of the consent authority. All cut and fill works are to be designed to eliminate the need for excessive cut/fill/retaining wall works for the proposed lots.
10. Prior to the commencement of works for each approved stage (excluding site clearing and bulk earthworks), the Developer shall submit detailed design documentation (engineering design, design report and specifications) for all proposed works for approval from City of Palmerston, to the satisfaction of the consent authority, inclusive of the following components of each stage:
 - (a) detailed drawings relating to stormwater drainage.
 - (b) roads, pathways (including cycle pathways) and vehicle crossings, including road safety audits where required by City of Palmerston.
 - (c) pedestrian/ cycle paths.
 - (d) streetscaping and landscaping (including irrigation and lighting).
 - (e) public open space/ park areas (including permanent irrigation).
11. Prior to the commencement of works, a 'Type 3' Erosion and Sediment Control Plan (ESCP) must be developed in accordance with the Department of Lands, Planning and Environment's ESCP Standard Requirements 2019. The ESCP must be developed and/or certified by a Certified Professional in Erosion and Sediment Control (CPESC), and must be subsequently reviewed and approved by an independent CPSEC auditor; to the satisfaction of the consent authority. The auditor-approved ESCP must be submitted to and accepted by Development Assessment Services, Department of Lands, Planning and Environment (via email: das.ntg@nt.gov.au) prior to the commencement of any earth disturbing activities (including clearing and early works).

GENERAL CONDITIONS

12. The works carried out under this permit shall be in accordance with the plans endorsed as forming part of this permit.
13. The development must proceed in the order of stages as shown on the endorsed plan unless otherwise agreed in writing by the consent authority.

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14. The permit will expire if one of the following circumstances applies:
 - (a) The development is not substantially commenced within two years of the date of the permit; or
 - (b) The development is not completed within 8 years of the date of the permit.
15. Prior to issue of Part 5 (section 62 *Planning Act 1999*) clearance for each stage, the developer is to provide written confirmation (in the form of plans or drawings) demonstrating that all lots less than 600m² for dwellings-single allow for future vehicle access via a single driveway unrestricted by street infrastructure (including any power, water, sewer or stormwater infrastructure) which demonstrates a 3.5 metre driveway can be located on each lot in accordance with sub-clause 4 of Clause 6.2.2 of the NT Planning Scheme 2020 (which requires compliance with the purpose of Clause 6.2.2, and the requirements of Clause 5.2.4.5).
16. A 'zone normalisation' Planning Scheme Amendment application for the relevant stage is to be submitted and approved prior to the issuing of a Part 5 (section 62 *Planning Act 1999*) clearance for that stage. Please contact Lands Planning, Department of Lands, Planning and Environment on 08 89998963 for further information.
17. The Developer must enter into agreement/s with Power and Water Corporation for the provision of water, sewer, electricity services, to each lot shown on the endorsed drawings in accordance with the requirements of the NT Subdivision Development Guidelines and relevant authority policies. Please refer to Notation 3 for further information.
18. Any developments on or adjacent to any easements on site shall be carried out at no cost to, and to the requirements of the relevant service authority to the satisfaction of the consent authority.
19. All new easements, and amendments to existing easements, to be vested in the Relevant Authority for which the easement is to be created must be shown on the survey plan, to the satisfaction of the consent authority for approval by the Surveyor General.
20. All proposed roads to be created on the plan of subdivision submitted for approval by the Surveyor General must be dedicated to the relevant Northern Territory or local government authority.
21. All proposed and affected:
 - (a) roads,
 - (b) street lighting,
 - (c) stormwater drainage (including stormwater runoff)
 - (d) site earthworks,
 - (e) vehicular access
 - (f) pedestrian/ cycle corridors,
 - (g) public open space and streetscaping/ landscapingmust be designed and constructed at the owner's expense in accordance with the requirements of the NT Subdivision Development Guidelines and to the

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technical requirements of the City of Palmerston, and to the requirements of the Transport and Civil Infrastructure (TCI), Department of Logistics and Infrastructure (DLI) (where relevant), to the satisfaction of the consent authority.

22. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into the City of Palmerston and NT Government drains or to any watercourse.
23. Any proposed work (including the provision or connection of services) within or impacting upon NT Government controlled or the City of Palmerston road reserves shall be in accordance with the standards and specifications of the Transport and Civil Infrastructure (TCI), Department of Logistics and Infrastructure (DLI) or the City of Palmerston (whichever the case may be). Design documents must be submitted to the Transport and Civil Infrastructure (TCI), Department of Logistics and Infrastructure (DLI) or the City of Palmerston (whichever the case may be) for Road Agency Approval, and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".
24. Any NT Government controlled road frontages must be fenced in accordance with Transport and Civil Infrastructure (TCI), Department of Logistics and Infrastructure (DLI) standards and requirements, to the satisfaction of the consent authority.
25. No temporary access for construction purposes shall be permitted from NT Government controlled road reserves. Construction and delivery vehicles shall not be parked on the NT Government controlled road reserve in accordance with Transport and Civil Infrastructure (TCI), Department of Logistics and Infrastructure (DLI) standards and requirements, to the satisfaction of the consent authority.
26. Prior to the issue of 'Part 5' (section 62 *Planning Act 1999*) clearance for the relevant stage(s) (those stages abutting land currently within Zone PM (Proposed Main Road), where recommended under the noise assessment report required by the relevant Condition Precedent, the applicant must provide appropriate noise attenuation measures at their own cost, and approved by Transport and Civil Services Division, Department of Logistics and Infrastructure, to the satisfaction of the consent authority.
27. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the requirements of Transport and Civil Infrastructure, to the satisfaction of the consent authority.
28. The Developer must enter into agreements with a telecommunications carrier for the provision of telecommunication networks supply to each lot shown on the endorsed drawings in accordance with the requirements of the NT Subdivision Development Guidelines and relevant authority policies.
29. All works relating to this permit must be undertaken in accordance with the independent auditor-approved Erosion and Sediment Control Plan (ESCP).

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Ongoing implementation of the auditor-approved ESCP must be regularly monitored and reported on by an independent auditor in accordance with the audit schedule in the auditor approved ESCP to ensure erosion and sediment control management is in accordance with the auditor-approved ESCP and is effective to the satisfaction of the Auditor.

Each ESCP audit report must be emailed, within 15 business days after the audit, to Development Assessment Services at: das.ntg@nt.gov.au

NOTES

1. In order to process the building setback plan submitted as part of this application, the applicant is required to make a separate application for a planning scheme amendment to include the building setback plan in Schedule 9 of the Northern Territory Planning Scheme 2020. Please contact Lands Planning on 08 8999 8963.

The Northern Territory Subdivision Development Guidelines apply to the design and construction of public infrastructure associated with subdivision works. Compliance with the technical standards in the Guidelines should be achieved to the satisfaction of the relevant local government council and service authorities.

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

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

2. Information regarding preparation of a Subdivision Masterplan can be obtained from the Northern Territory Subdivision Development Guidelines available at <https://www.ntlis.nt.gov.au/sdg-online/>
3. 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.
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 <https://www.nbnco.com.au/develop-orplan-with-the-nbn/new-developments.html>, once registered nbn will be in contact to discuss the specific requirements for the development.

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Nbn requires you to apply at least 3 months before any civil works commence. All telecommunications infrastructure must be built to nbn guidelines found at <https://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/designbuild-install>.

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 loads of all trucks entering and leaving the site of works are to be constrained in such a manner as to prevent the dropping or tracking of materials onto the public road network. This includes ensuring that all wheels, tracks and body surfaces are free of mud and other contaminants before entering onto the public road network. Entry/Exit controls must be implemented in accordance with the approved Erosion and Sediment Control Plan. Where material has been dropped or tracked on the public road network, the Developer must sweep and clean material off the road.
7. The finish of any Prime Identification sign, if erected, shall be such that, if illuminated, day and night readability is the same and is of constant display (i.e. not flashing or variable message).

The sign shall be positioned:

- (a) so as not to create sun or headlight reflection to motorists; and
- (b) be located entirely (including foundations and aerially) within the subject lot.

10. The permit holder is advised that it is an offence to disturb or destroy prescribed archaeological places without consent under the *Heritage Act 2011*. Should any heritage or archaeological material be discovered during the works, cease works and please phone Heritage Branch of the Department of Lands, Planning and Environment.
11. Department of Lands, Planning and Environment modelling indicates that the development application footprint has a 'high likelihood' of being suitable for the threatened *Typhonium praetermissum*. This species has been detected less than 2km to the east and north-east of the development area and distribution modelling for *Typhonium praetermissum* by DLPE indicates that an area of high likelihood habitat (approximately 17ha) occurs across the western third of the development area. *Typhonium praetermissum* is listed as Vulnerable under the *Territory Parks and Wildlife Conservation Act* (TPWC Act) and has been recently listed as Endangered under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). As such, the applicant should be reminded of its duties under relevant legislation and undertake a 'self-assessment' using the Australian Government's Significant Impact Guidelines 1.1.
12. All land in the Northern Territory is subject to the *Weeds Management Act 2001* (WM Act). The WM Act describes the legal requirements and responsibilities that apply to owners and occupiers of land regarding

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declared weeds. Section 9 general duties include the requirement to take all reasonable measures to prevent land being infested with a declared weed and to prevent a declared weed from spreading. There are additional duties including a prohibition on buying, selling, cultivating, moving or propagating any declared weed and the requirement to notify the Weed Management Branch of a declared weed not previously present on the land within 14 days of detection. Should you require further weed management advice contact the weed management branch by phone on (08) 8999 4567 or by email to weedinfo@nt.gov.au

13. The developer must implement measures to ensure mosquito breeding does not occur during the construction phase of the development, to the requirements of Medical Entomology, NT Health, to the satisfaction of the consent authority and in accordance with the *NT Public and Environmental Health Act 2011*.
14. 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.

REASONS FOR THE DECISION

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

The application has been assessed against the Northern Territory Planning Scheme 2020 (NTPS2020) which applies to the land.

The site is located on land in zones SP2 (Specific Use) and Zone PM (Proposed Main Road) of the NTPS2020 and the proposed subdivision is *Impact Assessable* under Clause 1.8(1)(c)(ii) of the NTPS2020, therefore, pursuant to sub-clause 4 of Clause 1.10 (Exercise of Discretion by the Consent Authority), the following needs to be considered:

- (a) any relevant requirements, including the purpose of the requirements, as set out in Parts 5 or 6;
 - 6.2.1 (Lot Size and Configuration for Subdivision in Zones LR, LMR, MR and HR)
 - 6.2.2 (Lots Less Than 600m² for Dwellings-Single)
 - 6.2.3 (Site Characteristics for Subdivision in Zones LR, LMR, MR and HR)
 - 6.2.4 (Infrastructure and Community Facilities for Subdivision in Zones LR, LMR, MR and HR)
- (b) any Overlays and associated requirements in Part 3 that apply to the land;
 - No Overlays are applicable to this application
- (c) the guidance provided by the relevant zone purpose and outcomes in Part 4, or Schedule 4.1 Specific Use Zones; and
 - Clause 4.1.2.2 - Zone SP2 – Part Lot 12954 Town of Palmerston and

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Part Lot 16214 Town of Palmerston

- (d) any component of the Strategic Framework relevant to the land as set out in Part 2.
- Darwin Regional Land Use Plan
 - Holtze to Elizabeth River Subregional Land Use Plan
 - Central Palmerston Area Plan

The consent authority notes that Amendment 173 to the NTPS2020 came into effect on 12 June 2026, varying Schedule 5 (Reference Guidelines) and Clause 6.1 (Preliminary) to include references to the Northern Territory Subdivision Development Guidelines. The consent authority has taken this into account prior to determining the development application.

The relevant parts of the NTPS2020 have been considered and it was found that the application (as amended) complied with all relevant Part 6 requirements (subject to conditions on a development permit) with exception to sub-clause 6 of Clause 6.2.1 (Lot Size and Configuration for Subdivision in Zones LR, LMR, MR and HR), was consistent with the Zone PM purpose and outcomes (applicant confirmed no works other than for drainage infrastructure is proposed in Zone PM, and that acoustic barriers will be located within residential lot boundaries), was consistent with the Zone SP2 Purpose and Outcomes, and compliant with Zone SP2 requirements. Of note, it was considered that the Holtze to Elizabeth River Subregional Land Use Plan (HESLUP) and Central Palmerston Area Plan (CPAP) were not directly applicable.

The non-compliance with Clause 6.2.1 is discussed under Reason 2, and the Strategic Framework, Zone SP2 Purpose, Outcomes and Requirements, and other Part 6 requirements are discussed below.

The Strategic Framework (Part 2 of NTPS2020)

The Darwin Regional Land Use Plan (DRLUP):

The Land Use Structure identifies the location of the proposed subdivision as being on land identified as “urban/peri urban”. Page 15 of the DRLUP identifies that the ‘Key Urban and Peri-Urban Residential Objectives’ are to:

Identify sufficient suitable opportunities for residential development to ensure an ongoing supply of lots to meet market demand.

- *Encourage a diverse range of dwelling types and residential localities to cater for changing demographics (including single person households and an ageing population), to meet increasingly diverse community aspirations and minimise the impacts of development on established localities.*
- *Focus future urban development in localities close to established areas to enhance the economic viability of infrastructure extensions.*
- *Encourage detailed design that:*
 - *recognises the contribution natural and cultural sites make to urban character*
 - *provides for appropriate protection and maintenance of natural and conservation areas*
 - *is climatically appropriate and avoids the creation of heat islands.*

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Page 16 identifies that - *Urban and peri-urban areas identified in the land use structure include established areas and broad hectare land potentially suitable for future development.*

These areas will accommodate a full range of land uses such as:

- *a variety of housing types*
- *retail and commercial*
- *community facilities and services*
- *sport, recreation and urban open space*
- *natural and conservation areas.*

The application is for the subdivision of land for residential purposes which at completion will provide a supply of residential lots and public open space. The application proposes a range of lot sizes (and associated dwelling densities) that will allow for a range of residential types in line with the zoning requirements.

The application recognises the importance of 'Packard's Knob' and aims to protect it by incorporating it into public open space.

The subdivision design contained in the application does not provide retail and commercial lots as this would conflict with the Zone SP2 Master Plan which prevails over Part 2 of the NTPS2020.

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

Lot 12954 is identified as being subject to the CPAP (discussed below) and therefore the lot is technically not subject to the HESLUP. The lot, however, is shown as being outside the CPAP study area on the 'Land Use Vision' map on page 7 of the CPAP and therefore the HESLUP is the most detailed level of strategic framework applicable for the area.

Despite the above, the HESLUP is not directly applicable to the application because it does not provide guidance for the locality known as "Durack Heights".

Central Palmerston Area Plan (CPAP):

The Central Palmerston Area Plan (CPAP) is identified as being applicable to part of Lot 12954 only (a small portion of land that is intended to be amalgamated with the adjacent Tiger Brennan Drive road reserve) however, the location of the proposed subdivision / works is not located within the CPAP study area.

Clause 4.1.2.2 (Zone SP2 – parts 12954 & 16214, Town of Palmerston)

The consent authority notes that Amendment 171 to the NT Planning Scheme 2020 came into effect on 9 June 2026 and made minor amendments to Zone SP2. The consent authority has taken this into account prior to determining the development application.

The purpose of Zone SP2 is to "*Facilitate the master-planned subdivision of land to provide for a range of lot sizes and future zoning that facilitates a variety*

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of low-rise housing options whilst appropriately responding to and/or integrating key site and locality transport, drainage and landscape characteristics, where full reticulated services are available.

Outcome 9 is a “A master-planned subdivision facilitating 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.

Outcome 12 is “An efficient pattern of land use is provided with all residential lots connected to reticulated services, integrated with existing transport networks, and with reasonable access to open space and community facilities.

Outcome 13 is “A safe, attractive and permeable pedestrian and cycle network is provided that promotes and encourages walking and cycling, and which connects to the established pedestrian and cycle networks of Palmerston.

The application proposes 370 lots intended for dwelling-singles that range in size from 300m² to 770m², and 12 lots (proposed to be normalised to Zone LMR) that allow for dwellings-group or dwellings-multiple that range in size from 600m² to 2126m². The intended zoning does not allow for buildings over two storeys or 8.5m in height (low-rise). Key sites such as Packard’s Knob have been retained, and full reticulated services are proposed as part of this development application.

The application also includes a services plan that shows all residential lots connected to reticulated services and integrated into the existing transport network (Packard Avenue). Additionally, each lot is within 400m walking distance of public open space.

The proposed subdivision layout locates all public open space parcels within a short walk/ride from each residential lot however there are no existing/proposed commercial zoned lots located in close proximity (walking/cycling distance), therefore residents are likely to be highly reliant on vehicles for their shopping.

Sub-clause 14(d) requires that “Subdivision design... Ensures, by site grading and civil design, that residential lots less than 600m² incorporate a minimum area equivalent to the combined minimum building envelope and area of private open space that does not slope in excess of 2%.

The applicant indicates that each lot complies with sub-clause 14(d) because slopes greater than 2% are only within the building setbacks of each lot, and the remaining portions of each lot include a minimum area equivalent to the combined minimum building envelope and area of private open space.

The application (as amended) did not provide drawings that include each lots combined minimum building envelope and area of private open space

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overlayed on top of the slope plan. This drawing would be able to verify that each lot can comply with sub-clause 14(d). Such drawing is required by a condition on the permit.

Sub-clause 14(i) requires that *“Packard Avenue, between the intersection of Heir Street and the eastern intersection of Plaisted Road, is designed and constructed to a standard that will best manage continuous access and egress to land west of this location in the event of an accident or emergency.*

Comments (dated 2 April 2026) from NT Fire & Emergency Services advised that they had no objections in principle to the application and do not require permit conditions.

Additionally, the Traffic Impact Assessment (TIA) provided with the application recommends strategies to reduce the likelihood of a crashes along the identified section of Packard Avenue. These strategies have been included in the subdivision design.

Despite the above, the consent authority notes that the road network will be subject to the local government council (City of Palmerston) requirements.

Relevant Part 6 requirements:

Sub-clause 4 of Clause 6.2.2 (Lots Less Than 600m² for Dwellings-Single) requires that *“The site layout of lots subject to this clause is able to comply with the purpose of this clause and the development requirements for vehicle parking (5.2.4), building setbacks (5.4.3 and 5.4.3.3) and private open space (5.4.6).*

The purpose of Clause 6.2.2 is to - *“Ensure the subdivision of land to lots of less than 600m² will allow residential development that minimises impact on amenity and the functionality of the street infrastructure.*

The majority of lots are rectangular and can meet the Part 6 building envelope requirements (sub-clause 6 of Clause 6.2.1) and the application (as amended) generally complies with sub-clause 14(d) of SP2 which requires lots under 600m² to have enough area for the combined minimum building envelope and area of private open space (both clauses discussed above). Lots that do not comply with the building envelope requirements have minor encroachments that will not prevent the requirements of sub-clause 4 being achieved.

Sub-clause 4 also requires that the site layout is able to comply with the purpose of this clause. After public exhibition, the applicant was requested to provide further information required to determine location of infrastructure and easements in relation to street boundaries – streetlights, distribution pillars, easements and substations.

While it is expected that the proposed site layout of lots less than 600m² is unlikely to impact on the street infrastructure in this instance, additional

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information in the form of drawings to demonstrate this are required by conditions on the development permit.

Sub-clause 4 of Clause 6.2.3 (Site Characteristics for Subdivision in Zones LR, LMR, MR and HR) requires the subdivision to “Retain and protect significant natural and cultural features”.

The subdivision design retains Packard’s Knob. The development application also included an Ecology and Heritage Constraints Assessment that no sensitive vegetation, sacred sites (via Aboriginal Areas Protection Authority register check) or restricted work areas are present.

There is a likelihood of Cycad and *Typhonium Praetermissum* being present in the proposed development area. The application documentation has indicated that if any Cycads are found, they will be re-planted in the public open space area/s or sold. The assessment recommends a survey to identify if there are any *Typhonium Praetermissum* within the subject lot.

Comments from Land Resource Division (of the Department of Lands, Planning and Environment) also recommend that a survey to identify if there are any *Typhonium Praetermissum* within the subject lot is carried out. Conditions on the permit address these considerations.

2. Pursuant to sub-clause 5 of Clause 1.10 (Exercise of Discretion by the Consent Authority), of the NTPS2020, the consent authority may consent to a proposed development which is not in accordance with a requirement set out in Parts 3, 5 or 6 only if it is satisfied that the variation is appropriate having regard to:
 - (a) The purpose and administration clauses of the requirement; and
 - (b) The considerations listed under Clause 1.10(3) or 1.10(4).

Sub-clause 6 of Clause 6.2.1 (Lot Size and Configuration for Subdivision in Zones LR, LMR, MR and HR) requires that “Lots are to conform with the building envelope requirements in Table B to this clause”.

The majority of proposed lots are rectangular with the shorter boundary length generally fronting the primary street. Therefore, the following minimum lot width and length is required to accommodate the minimum building envelope size:

Lot size	Minimum lot dimensions
300m ² to less than 450m ²	10m x 22.5m (11m x 22.5 for corner lots) (10m x 23.5 for lots with secondary streets along rear boundary) (14.5m x 18m for lots with wider primary street frontage)
450m ² to less than 600m ²	11m x 22.5m (12m x 22.5 for corner lots) (11m x 23.5 for lots with secondary streets along rear boundary) (15.5m x 18m for lots with wider primary street frontage)

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600m² and 20m x 24.5m
greater (21m x 24.5m for corner lots)
(20m x 25.5 for lots with secondary streets along rear
boundary)

The NTPS2020 definition of *primary street* means - the street or where there is more than one street, the street with the wider carriageway or that which carries the greater volume of traffic but does not include any street where access is restricted by the controlling Agency.

A 'road hierarchy plan' was provided on pages 56 and 57 of the Engineering Infrastructure Report (that forms part of the development application). Where proposed roads have the same width, the 'primary street' has been identified as the street that favours the lot layout (lacking any information relating to volumes of traffic).

The following aspects of technical non-compliance were identified:

- Lots 570, 571 and 564 – have areas of 450-451m², and the "primary street" has been identified as Spooner Street.
- Lots 675 and 676 – are over 600m², and the "primary street" has been identified as the portion of Loveday Street that runs parallel with Packard Avenue – noting that Loveday Street wraps around Lot 675.
- Lot 653 – is 600m² and requires at least 21m along the shortest boundaries (corner lot).
- Lot 695 – is 401m². Plaisted Road has been identified as the "primary street" and requires at least 14.5m along its shortest boundaries.
- Lot 792 – is 788m². Packard Avenue (or Bosworth Street) has been identified as potential "primary streets" and therefore at least 20m is required along its shortest boundary.
- Lots 881, 853 and 887 – are over 600m² and require area within the boundary at least 20m (along the "primary street" boundary) x 24.5m.

In addition to the above, the application indicates that all service authority easements located within proposed lots will be located exclusively within the setbacks.

Administratively, sub-clause 4 of Clause 6.2.1 allows the consent authority to "consent to a subdivision that is not in accordance with sub-clauses 5-12 (of Clause 6.2.1), only if it is satisfied the subdivision is consistent with the purpose of this clause and the zone purpose and outcomes".

The purpose of Clause 6.2.1 is to "Ensure that subdivision of land for urban residential purposes creates lots of a size, configuration and orientation suitable for residential development at a density envisaged by the zone".

With the exception to proposed lots 570, 571, 564 and 563, the proposed subdivision layout shows lots that are orientated north-south are in a row that runs east-west which allows passive shading from adjacent developments (with exception to the end lots).

Lots that are oriented east-west allow houses to be built that minimise the

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length of wall facing the rising and setting sun.

In addition to the above, the application (as amended) generally meets Zone LR, Zone LMR and Specific Use Zone SP2 density requirements required for subdivisions. The proposed layout allows for the building envelope (required by sub-clause 6) to fit on each parcel with the exception to the lots listed above. It is noted that Lots 570, 571, 564, 563, and 695 are located on corner lots and would comply if the primary and secondary streets were swapped.

Lots 653, 675, 676, 792, 881, 853 and 887 have minor encroachments however would otherwise be able to accommodate dwellings, vehicle access, parking and ancillary buildings.

For the above reasons, the consent authority has determined to grant a variation to Sub-clause 6 of Clause 6.2.1.

3. 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.

The application was publicly exhibited (starting on 20 March 2026 and ending on 3 April 2026). One public submission was received from Cheryl Dennis within the exhibition period in accordance with section 49 of the *Planning Act 1999* and two additional comments were submitted after the statutory submission period and are discussed under sub-section 51(1)(t) below. The submission received during the submission period is summarised below:

Cheryl Dennis

- Identified concerns relating to increased traffic along Nichols Street (created by the proposed subdivision).
- There should be an alternative route to Durack School that doesn't impact on 'Old Durack'.
- The development application was not on exhibition for long enough and signs were not located where people in 'Old Durack' could see them.
- Last year, the Minister of Lands and Planning indicated that the development would not impact 'Old Durack'.

In response to the public submission, the consent authority notes:

- Impacts to traffic will be required to be approved by the relevant service authorities.
- The application was required to be exhibited for two weeks (application displayed on the 'Applications Online' website and 12 x pink development application signs were placed on the site boundaries in accordance with the requirements of the *Planning Act 1999* and *Planning Regulations 2000*).

City of Palmerston, in its local government council comments, identified –

- Packard Avenue between Heir Street and Plaisted Road must be designed and constructed to maintain continuous access and egress in the event of an accident or emergency; a cross section demonstrating how access will be maintained is required before Council can support the application.

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- Concern the subdivision over-relies on external, not-yet-secured pathways (Carpentaria Court, Borassus Place and several shared roadways) and requests an updated pathway plan showing direct connections (including a suggested link between Heights Stage 11 and POS12) and how any external upgrades will be secured.
- Additional detail is required on median treatments and intersection safety (including likely road safety audits) because many residents will need to cross Packard Avenue to access the wider network.
- As part of conditions on any development permit issued, Masterplans and technical reports are to be finalised and approved by the City of Palmerston prior to construction, specifically:
 - Streets and pathways masterplan supported by an updated traffic impact assessment.
 - Updated 'Part 1' stormwater management plan and later a 'Part 2' plan.
 - Public open space masterplan confirming park hierarchy and landscaping.
 - Staging plan to ensure open space delivery aligns with residential lot titling.

Mr Christopher Tickner (Planning and Development Manager – Infrastructure of the City of Palmerston) attended the public hearing and reiterated points made in Council's submission including a request for the proposed subdivision to connect with Mary Packard neighbourhood park.

The applicant (Mr Brad Cunnington of Cunnington Rosse Town Planning and Consulting) provided a written response to service authority comments and submissions (dated 25 May 2026) which was included in the agenda report and associated attachments considered by the consent authority at its meeting on 12 June 2026 and made available on the NT Government website for public viewing before the meeting.

Ms Dennis attended the public hearing of the application (on 12 June 2026) and noted:

- She is an owner / occupier of a property on the intersection of Woodlake Boulevard and Nichols Street, and lived there since the late 1990's.
- The traffic counts included with the application do not take into account impacts on the existing local road networks
- The public open space (within Lot 12817) behind her residence and associated footpath in the vicinity of the rear (east) boundary of the residence causes adverse amenity impacts in terms of light intrusion, impact on privacy and loitering.

Mr O'Hearn attended the public hearing and advised that:

- He owns and resides in a property in Carpentaria Court. His property backs onto land (Lot 16214) containing native vegetation and drainage lines
- He is concerned the subdivision will impact on the privacy and other amenity aspects of the occupants of Carpentaria Court in terms of location of footpaths, loitering, artificial light, vehicle movements
- The proposed emergency access / egress has the potential to eventuate

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into a informal or permanent accessway – bollards may not be a sufficient deterrent

- There are better (location) options for the subdivision to incorporate emergency access

Interested parties Brittany Duggan, Richard McArthur, Patrick (Pat) Coleman, Andrew Harvey, Barbara Taylor and Karen Taylor attended the public hearing.

Mr McArthur advised:

- He is a 20 year resident of the locality
- Over the years, previous developers had made promises to property purchasers that that not be met
- There are other opportunities to include emergency access to the subdivision in the vicinity of the railway line
- The 3m width of the emergency access will only encourage unauthorised access, bollards are not a sufficient deterrent
- Property prices of existing residents may be adversely impacted
- The existing storm water drainage infrastructure in the locality is not adequate.

Mr Coleman advised:

- The water levels in storm water drains and detention basins to the south of the proposed subdivision area is increasing
- The application does not include an adequate study of downstream storm water impacts
- There is a ~4m “fall” from the subdivision area (north point) to Carpentaria Court
- The design of the existing storm water drains in the built-up area of Durack may not be able to cope with increased load (discharge from roofs and roadways etc).

In response to verbal evidence given at the meeting, Mr Cunnington advised:

- It was a recommendation from the Traffic Engineer (consultant) that the subdivision make provision for emergency access / egress.
- Woodlake Boulevard is a ‘high order’ type road and most capable of accommodating a fire truck or similarly sized emergency vehicle
- As part of the conditions included on any development permit issued, an independent authority (ie: City of Palmerston) will need to review and approve the developers’ storm water drainage design for the subdivision.

The Authority has carefully considered the concerns of submitters, including the local government council, contained both in the written submissions and further expressed at the meeting. The Authority notes that the proposed subdivision is largely compliant with the subdivision requirements of NTPS2020 and, further, is an expected type of development in zone SP2 (Specific Use). The Authority further considered the applicant’s response to the matters raised by the submitters and has determined to include condition precedents in the proposed permit to deal with relevant areas of concern. Further, through the use of Conditions Precedents, City of Palmerston retains the opportunity to further address issues of concerns relating to Council’s

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infrastructure and servicing.

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

The land is considered capable of supporting the proposed development because the land has been previously zoned for residential use. The earthworks plans submitted with the application show the site being relatively flat and minor cut/fill works be required to accommodate residential development areas. The existing drainage areas in the south and eastern parts will not be developed with lots and will be included in the proposed stormwater drainage system.

Of note, the applicant provides the following comment regarding asbestos identified on site:

"In August 2022 Ecoz Environmental Consultants prepared a Preliminary Site Investigation, which identified potential asbestos containing materials in the north-west portion of the site. A targeted asbestos investigation and assessment was undertaken within this area, confirming the presence of asbestos containing ground debris, comprising dumped building materials. Asbestos removal was undertaken in January 2026, overseen by a licensed asbestos assessor, and a Removal of Asbestos Containing Material and Asbestos Clearance Certificate was issued by Trakondy Asbestos and Hazardous Materials Pty Ltd confirming:

- *the identified asbestos containing materials within the defined scope of works were removed;*
- *post-remediation visual inspections, asbestos in soil validation sampling, and airborne fibre monitoring were undertaken; and*
- *the remediated area was assessed as fit for re-occupation, subject to the limitations outlined within the clearance documentation"*

In addition to the above, no other concerns from service authorities have been raised regarding the capability of the land. Standard conditions are included on the permit.

5. Pursuant to section 51(1)(k) of the *Planning Act 1999*, the consent authority must take into consideration the public facilities or public open space available in the area in which the land is situated and the requirement, if any, for the facilities, or land suitable for public recreation, to be provided by the developer.

The NTPS2020 (sub-clause 14(e) of SP2) requires the application to provide a *"minimum of 10% of the subdivision area as public open space, with no more than 20% of the required area of public open space allocated for stormwater management/drainage purposes (e.g. creeks, drainage channels, wetlands, detention basins etc).*

The NTPS2020 definition of "public open space" means - *outdoor spaces that are generally accessible to the community and provide for a range of sport,*

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recreation, cultural, entertainment or leisure pursuits.

A total of 12% of public open space unencumbered by drainage is included in the subdivision.

In addition to the above, the subdivision includes pedestrian connections from the subject site to existing/potential future pedestrian networks.

6. 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 consent authority notes the “Subdivision Development Administrative Guideline” (dated 9 June 2026) issued pursuant to section 135B(1) of the *Planning Act 1999* and the Northern Territory Subdivision Development Guidelines is a Reference Guideline under Schedule 5 of the NTPS2020.

Consequently, the conditions of approval and advisory notes are intended to assist in ensuring:

- Service authority interests are duly recognised in terms of storm water drainage, works within the road reserves, works adjacent to easements, connections to and upgrading of electricity supply, water supply and sewerage services that apply to the development on the site, and access to the site and impacts to the external road and pedestrian networks; and
- The NTPS2020 objectives and development performance criteria relating to access, works within road reserves and the provision of services/infrastructure will be complied with.

In addition to the above, Crown Land Estate (Department of Lands, Planning and Environment) in their submission requested that the proposed mechanism for transfer of the land to the Territory should be discussed with Crown Land Estate prior to the endorsement of plans.

The applicant opposed this condition. Subsequent discussions with the applicant and Crown Land Estate concluded that a note on the endorsed plans that clearly identifies the portions of Lots 12954 and 14473 that are currently zoned PM (Proposed Main Road) as being proposed road openings would satisfy both parties.

7. 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 application proposes subdividing vacant land for residential purposes in accordance with the Specific Use zone and NTPS2020 Strategic Framework.

The *Planning Act 1999* and NTPS2020 definition of “amenity” in relation to a locality or building, means - *any quality, condition or factor that makes or*

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contributes to making the locality or building harmonious, pleasant or enjoyable;

The application is likely to have a considerable impact on amenity however this impact is expected to be mostly positive because the subdivision proposed within the application will:

- Provide additional public open space that can be utilised by existing and future residents, improving recreational access and contributing to neighbourhood amenity
- The subdivision layout is largely compliant with relevant NTPS2020 requirements, including lot orientation, access arrangements and integration with surrounding land uses
- Conditions and advisory notes on any permit issued can address matters identified by service authorities (erosion and sediment control, stormwater, construction noise, vehicle access, reticulated services etc.)
- Provide a high level of amenity to future residents of the subdivision in terms of allotment orientation and access to public open space

Following completion of subdivision works, public roads and public open space will vest in the City of Palmerston. Ongoing maintenance and regulation of these areas will be governed by the *Local Government Act 2019* and relevant municipal by-laws. Matters relating to loitering, use of public open space and road reserves and traffic safety fall within the jurisdiction of the City of Palmerston and the NT Police Force.

8. Pursuant to section 51(1)(q) of the *Planning Act 1999*, in considering a development application, the consent authority must take into account for a proposed subdivision of land on which a building is, or will be, situated – whether the building complies, or will comply, with any requirements prescribed by regulation in relation to the building (including, for example, requirements about the structural integrity and fire safety of the building)

The application indicates that there are no existing buildings on site. Part of the works for the subdivision will include constructing a boundary wall to mitigate against traffic noise intrusion from the Tiger Brennan road reserve and associated vehicle movements. This wall will be constructed across the lot boundaries (residential lots within subdivision). No report from a building certifier was included with the application, however pursuant to the *Building Act 1993*, a building permit and occupancy certification is likely to be required for the fence (noise attenuation work).

While buildings are likely to be constructed on the land after titles for the proposed lots are issued, it is not considered necessary to confirm whether the building will comply with any requirements prescribed by regulation in relation to 'the building' because the structures are unlikely to be confirmed at this stage and will be subject to relevant requirements that will need to be complied with at a later date. An advisory note regarding building approval requirements (pursuant to the *Building Act 1993*) is included on the permit.

9. Pursuant to section 51(1)(r) of the *Planning Act 1999*, the consent authority must take into consideration any potential impact on natural, social, cultural or heritage values, including, for example, the heritage significance of a

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heritage place or object under the *Heritage Act 2011*.

“Packards Knob” has been identified within Zone SP2 as a natural feature and the development application retains/incorporates the knob in the subdivision design. A targeted survey for *Typhonium praetermissum* to be undertaken to assess the potential risk to the species is recommended by the Flora and Fauna Division of the Department of Lands, Planning and Environment and conditioning addressing this has been included on the permit.

Comments received from the Heritage Branch and the Aboriginal Areas Protection Authority did not identify any potential impacts on social, cultural or heritage values. Both agencies have provided instructions regarding appropriate procedures should any items or places of significance be encountered during works. Advisory notes reflecting these requirements are included on the permit.

10. 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.

Submissions received outside of statutory submission period:

Two written comments objecting to the development application were received after the statutory submission period (section 49(1) Planning Act 1999) concluded. These objections were provided to the applicant who responded in writing (correspondence dated 25 May 2026).

The Authority accepted the letters of objection ‘for information’ rather than as “submissions” under the *Planning Act 1999*. They were taken into consideration when determining the application. At the meeting the Chair made clear to all parties that the correspondence would not be considered as ‘submissions’ under section 49 of the Act but would be considered a “other matters under Section 51(1)t.

Gary O’Hearn

- identified concerns regarding the impact to Carpentaria Court including impacts relating to:
 - o The proposed “pedestrian pathway” morphing into vehicle access
 - o Adverse amenity impacts to privacy, noise levels and lighting
 - o Inadequate public consultation on the subdivision proposal
 - o Insufficient details provided about earthworks and proposed lakes/ponds within the subdivision

Tiska Howell

- identified concerns regarding the impacts to Carpentaria Court including concerns relating to:
 - o The location of a pink sign/s during exhibition and the exhibition period length
 - o The path connecting to Carpentaria Court turning into an emergency vehicle access
 - o access path with street lighting
 - o Diminishment of views over park

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- o Impact to property value

Zone Normalisation

The consent authority notes that Zone SP2 of the NTPS2020 is intended to facilitate subdivision of the site and administrative sub-clause 3 states - An application for subdivision must include a plan showing the intended future zoning of all proposed lots. The applicant provides the following relating to zone normalisation:

“The intended zoning will be subject to future applications for Planning Scheme Amendment to the Minister for Lands, Planning and Environment. This process, often referred to as ‘zone normalisation’, is usually undertaken on a stage-by-stage basis prior to requesting a part 5 clearance”.

A condition is included that requires that a zone normalisation application (Planning Scheme Amendment) for the relevant stage to be submitted and approved prior to the issuing of a “Part 5” (section 62 *Planning Act 1999*) clearance for that stage.

Base Permit

The development application sought approval for an extended based period of the permit for a period of 10 years.

The NT *Planning Act 1999* defines ‘base permit of the permit’ as: *in relation to a development permit or an exceptional development permit, means the period commencing on the date of consent and ending on:*

- (a) *the date specified in the permit as the date on which the permit will lapse; or*
- (b) *if no date is specified in the permit as the date on which the permit will lapse – the date 2 years after the relevant date of consent.*

It is standard practice for permits to automatically have a base permit of 2 years. In this instance, an extended base period is considered reasonable and practical due to the scale and complexity of the proposed subdivision.

It is noted that under Section 55 of the *Planning Act 1999* - consent authority may impose on a development the conditions it thinks fit and specifies in the development permit, including a provision for the permit to lapse on a specified date.

Considering the nature of the development that require longer construction time to complete the development, the consent authority supports the longer base period for the development and a following condition is included in recommendation:

The permit will expire if one of the following circumstances applies:

- (a) The development is not substantially commenced within two years of the date of the permit;
- or
- (b) The development is not completed within 8 years of the date of the permit.

It is noted that Section 57(1) allows-

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The owner of land to which a development permit relates, or a person authorised by the owner, may at any time before the permit lapses apply to the consent authority for a variation of a condition of the permit.

Therefore, if works are not completed within 8 years from the date of issue of the approval a variation of conditions application could be lodged by the landowner to seek an extension to the permit expiry date condition in the approval.

FOR: 5

AGAINST: 0

ABSTAIN: 0

ACTION: Notice of Consent and Development Permit

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

SUZANNE PHILIP
Chair

22 June 2026