



DEVELOPMENT CONSENT AUTHORITY

PALMERSTON DIVISION

MINUTES

MEETING No. 227 – FRIDAY 17 JANUARY 2020

OUT OF SESSION

MEMBERS:

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

**ITEM 1
PA2019/0400**

**SUBDIVISION TO CREATE 10 LOTS AND A BUILDING SETBACK
PLAN
LOT 13356 (33) OATGRASS STREET, ZUCCOLI, TOWN OF
PALMERSTON**

APPLICANT/S Tropics Consultancy

**RESOLVED
1/20**

That, pursuant to section 53(a) of the *Planning Act 1999*, the Development Consent Authority consent to the application to develop Lot 13356 (33) Oatgrass Street, Town of Palmerston for the purpose of subdivision to create 10 lots, subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
2. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities to each lot shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.
3. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for approval by the Surveyor General.
4. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, site earthworks, vehicular access, pedestrian/ cycle corridors and streetscaping are to be to the technical requirements of the City of Palmerston, to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
5. The kerb crossovers 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.
6. Appropriate erosion and sediment control measures must be effectively implemented throughout the construction phase of the development (including clearing and early works) and all disturbed soil surfaces must be satisfactorily stabilised against erosion at completion of works, to the satisfaction of the consent authority. Information resources are available on the IECA website www.austieca.com.au and the Department of Environment and Natural Resources ESCP Standard Requirements 2019 and Land Management Factsheets available at <https://nt.gov.au/environment/soil-land-vegetation>. For further advice, contact the Land Development Coordination Branch: (08) 8999 4446.
7. Before the issue of titles, the developer is to provide written confirmation (in the form of plans or drawings) demonstrating that all lots less than 600m² for single dwellings allow for future vehicle access via a single driveway unrestricted by street infrastructure (including any power, water, sewer or stormwater infrastructure) which demonstrates a 3.5 metre driveway can be located on each lot to ensure that the each lot's street frontage has a minimum continuous length of 6.5m, to the satisfaction of the consent authority.

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. For the purposes of best practice land management and environmental protection it is recommended that a Type 1 Erosion and Sediment Control Plan (ESCP) be developed in accordance with the Department of Environment and Natural Resources ESCP Standard Requirements 2019 available at <https://nt.gov.au/environment/soil-land-vegetation>. The ESCP should be prepared prior to commencement of works and implemented during the construction phase (including clearing and early works); and all disturbed soil surfaces should be satisfactorily stabilised against erosion at completion of works. For further advice, contact the Land Development Coordination Branch: (08) 8999 4446.

RESOLVED 2/20

That, the Development Consent Authority vary the requirements of Clause 7.3.3 (Reduced Setbacks for Single Dwellings on Lots Less than 600m² but not less than 300m²) and pursuant to section 53(a) of the *Planning Act 1999*, consent to the application to develop Lot 13356 (33) Oatgrass Street, Town of Palmerston for the purpose of a building setback plan, subject to the following conditions:

GENERAL CONDITIONS

1. Works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
2. The owner/developer shall demonstrate to the satisfaction of the consent authority how potential purchasers will be informed about the side setback plan as it applies to each lot.

NOTE:

1. This development permit does not grant "building approval" for the proposed structure. The Building Code of Australia requires that certain structures within 900mm of a boundary meets minimum fire resistance level requirements and you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing demolition or construction works.

REASONS FOR THE DECISIONS

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

The application is for a subdivision to create 10 lots and a building setback plan.

The application relates to Lot 13356 (33) Oatgrass Street, Town of Palmerston. The land is within Zone MD (Multiple Dwellings) under the NT Planning Scheme (NTPS).

The proposal was assessed against the applicable requirements of Part 4 and 5 of the NTPS. The subdivision complies in full with the requirements of Part 5. The building setback plan requires a variation to Clause 7.3.3 (Reduced Setbacks for Single Dwellings on Lots less than 600m² but not less than 300m²) contained within Part 4 as it proposes optional side setbacks of 0.3m to nominated lots instead of the 0.0m permitted under the clause.

The Authority's decision from 9 December 2019 regarding this application is noted, and in particular its deferral of the application and request that the building setback plan be amended to remove the previously proposed 0.3m setback to the eastern side boundary of Lot C/8. Amended plans were submitted by the applicant on 16 January 2020 in response. The amended plans delete the reduced setback to the eastern side boundary of Lot C/8 as requested and replaces it with a 1.5m mandatory setback to this boundary. The amendments are considered to respond to the Notice of Deferral and will now ensure that adequate separation between future development on this lot and adjacent Lot D/7 can be provided and a more appropriate setback to the boundary adjacent to Zuccoli Parade can be achieved.

A variation to Clause 7.3.3 to allow side setbacks of 0.3m for proposed Lots A, B and D to J (Lot C excluded) is considered acceptable as the setback plan provides an integrated approach to side setbacks for the lots proposed. The setbacks proposed are consistent in frequency and design with the earlier stages of the Zuccoli Aspire subdivision, including Stages 1A and 1B which the subject lot was created with. Continuation of the setback plan for the additional lots to be created as part of this subdivision is also consistent with Practice Direction No. 1 issued by the Palmerston Division of the Development Consent Authority on 21 October 2015 in relation to Stage 2 specifically, but also encouraged the submission of building setback plans for later stages of the suburb.

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

Any change to land carries the potential for amenity impacts. In the case of this application which proposes subdivision to create 10 residential lots, the subdivision design has been assessed as complying with the relevant requirements for residential subdivision which may be indicative of the appropriateness of the proposal and likelihood for amenity impacts to be lessened as a result. Additionally, the application was publicly exhibited with no public submissions received.

The application was accompanied by a building setback plan proposing reduced setbacks to nominated side boundaries. The use of building setback plans is well established in Zuccoli with a number of other earlier stages of the suburb having been approved with building setback plans approving comparable setbacks.

3. Pursuant to section 51(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.

Lot 13356 was created as part of Stage 1A and 1B of the Zuccoli Aspire subdivision. At the time the subdivision was approved, the consent authority considered that public open space needs of future residents had been sufficiently catered for with more than the required 10% open space provided.

This subdivision is unlikely to increase or impact on public open space demands for the area and accordingly, open space requirement are considered to have already been met. Public open space provided as part of the subdivision that created Lot 13356 is easily accessible from the site with existing open space lots located at the opposite end of Oatgrass Street on Windmill Street and on the corner of Windmill Street and Bloodwood Street.

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

The application was circulated to relevant authorities including the City of Palmerston, Power and Water Corporation and Department of Environment and Natural Resources. Advice from these authorities raised no objections to the proposal and indicated that reticulated services are available. In recognition of the advice provided by service authorities, standard conditions of approval relating to services for which they are responsible have been included in the permit issued in relation to this application.

ACTION: Notice of Consent and Development Permit

RATIFIED AS A RECORD OF DETERMINATIONS MADE

SUZANNE PHILIP
Chair

22 January 2020