



## **DEVELOPMENT CONSENT AUTHORITY**

### **PALMERSTON DIVISION**

### **MINUTES**

**MEETING No. 244 – WEDNESDAY 21 JULY 2021**

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

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

**APOLOGIES:** Trevor Dalton

**LEAVE OF ABSENCE:** Nil

**OFFICERS PRESENT:** Margaret Macintyre (Secretary) Adelle Godfrey, Elissa Gee and Sonia Barnes (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Damien Scalora

**Meeting opened at 10.00 am and closed at 10.50 am**

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

**ITEM 1**

**PA2021/0184 SUBDIVISION TO CREATE THREE LOTS**

**LOT 11256 (8) LIND ROAD, JOHNSTON, TOWN OF PALMERSTON**

**APPLICANT** Land Development, Department of Infrastructure, Planning and Logistics

Mr Kris Boyce (Senior Project Officer, DIPL) attended on behalf of the applicant.

**RESOLVED  
30/21**

That, pursuant to section 53(a) of the *Planning Act 1999*, the Development Consent Authority consent to the application to develop Lot 11256 (8) Lind Road, Johnston, Town of Palmerston for the purpose of subdivision to create three lots, subject to the following conditions:

1. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
2. 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.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage and electricity facilities to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to City of Palmerston, to the satisfaction of the consent authority.
5. The kerb crossovers and driveways to the site are to meet the technical standards of City of Palmerston, to the satisfaction of the consent authority.
6. Any reinstatement works required as a result of any damage caused to infrastructure or landscaping must be undertaken by the developer, to the technical standards of and at no costs to the City of Palmerston, to the satisfaction of the consent authority. This includes grassing the verge between the property boundary and the kerb.

**NOTES:**

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([waterdevelopment@powerwater.com.au](mailto:waterdevelopment@powerwater.com.au)) and Power Network Engineering Section ([powerdevelopment@powerwater.com.au](mailto: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.

2. A "Permit to Work Within a Road Reserve" may be required from City of Palmerston before commencement of any work within the road reserve, which would include creation of any driveway crossover connecting to Council's road network.
3. If you choose nbn to service your development, you will need to enter into a development agreement with nbn. The first step is to register the development via <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html> once registered nbn will be in contact to discuss the specific requirements for the development. Nbn requires you to apply at least 3 months before any civil works commence. All telecommunications infrastructure should be built to nbn guidelines found at <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/builders-designers.html>
4. The Northern Territory Subdivision Development Guidelines capture the technical standards to comply with for the construction of public infrastructure as part of subdivision works to the requirements of service authorities and local authorities. Prior to any works commencing, it is encouraged that you engage early with the relevant authority to confirm their requirements and any variations that may be sought to the Subdivision Development Guidelines to ensure the works are completed to the relevant authorities' requirements. The Northern Territory Subdivision Development Guidelines can be found at: <https://www.ntlis.nt.gov.au/sdg-online/>.
5. The City of Palmerston advises that future uses on each lot may require a traffic impact assessment to be submitted to and approved by the City of Palmerston prior to any commencement of works.

## REASONS FOR THE DECISION

1. Pursuant to section 51(1)(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 Northern Territory Planning Scheme 2020 applies to the land and subdivision of land requires consent under Clause 1.8 (When development consent is required). It is identified as *Impact Assessable* under Clause 1.8(1)(c)(ii), and therefore the strategic framework (Part 2 of the Scheme, including the Darwin Regional Land Use Plan 2015), zone purpose and outcomes of Clause 4.22 – Zone CP (Community Purpose) need to be considered.

The strategic framework, zone purpose and outcomes have been considered and it is found that the proposed three lot subdivision does not conflict with the Planning Scheme.

The Planning Scheme does not specify development requirements for subdivision in Zone CP (Community Purpose). The Purpose of Zone CP is to provide for community services and facilities, whether publicly or privately owned or operated, in locations that are accessible to the community that it serves. The lots are considered to be a size capable of supporting future development of community facilities in accordance with the zone.

2. Pursuant to section 51(1)(e) of the *Planning Act 1999*, the consent authority must take into consideration any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application.

One public submission was received and made comments on the subdivision layout as it relates to a particular concept design for that community group. No specific design details were provided with the submission.

The application considered by the consent authority is for the subdivision of land, and any future proposed use of the land would need to be in accordance with the requirements for development in Zone CP (Community Purpose) subject to assessment under separate application if required.

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

The proposed subdivision layout has been informed by consultation with City of Palmerston and Power and Water Corporation for stormwater management and connection to reticulated services, and all three lots can be appropriately serviced and have access to the existing road network.

The proponent requested that the construction of driveway crossovers be delayed until the time that each individual lot is developed in the future. At the hearing, the City of Palmerston confirmed that a condition for driveway crossovers is still required on the permit so that an alternative agreement can be made at the time of Part 5 clearance.

4. 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 proposed subdivision is not considered to further impact on the existing amenity of the area and complies with the purpose of Zone CP (Community Purpose). The lots are of a size considered capable of supporting future development of community facilities in accordance with the zone.

**FOR: 4**                      **AGAINST: 0**                      **ABSTAIN: 0**  
**ACTION:**                      Notice of Consent and Development Permit

**ITEM 2**  
**PA2021/0170**

**SUBDIVISION TO CREATE 51 LOTS - ZUCCOLI PHASE 3.7**  
**LOT 15460, ZUCCOLI, TOWN OF PALMERSTON**

**APPLICANT** Northern Planning Consultants Pty Ltd

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

**RESOLVED**  
**31/21**

That, pursuant to section 53(a) of the *Planning Act 1999*, the Development Consent Authority consent to the application to develop Lot 15460, Zuccoli, Town of Palmerston for the purpose of subdivision to create 51 lots – Zuccoli Phase 3.7, subject to the following conditions:

**CONDITIONS PRECEDENT**

1. Prior to the endorsement of plans and commencement of works, engineering design and specifications for the proposed vehicular access and parking, pedestrian/ cycle corridors, street lighting, proposed roads (including bus stops), stormwater drainage, and streetscaping and landscaping are to be to the technical standards of City of Palmerston and Public Transport Section of Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
2. Prior to commencement of works, an updated water and sewer infrastructure master plan, including a design report with supporting technical documentation, must be prepared to the requirements of Power and Water Corporation.
3. Prior to the commencement of works, a Type 2 Erosion and Sediment Control Plan (ESCP) must be developed in accordance with the Department of Environment, Parks and Water Security ESCP Standard Requirements 2019 available at <https://depws.nt.gov.au/technical-notes-and-fact-sheets/land-management-technical-notes-and-fact-sheets>. The ESCP must be developed and/or certified by a Certified Professional in Erosion and Sediment Control (CPESC) to the satisfaction of the consent authority. The ESCP should be submitted for acceptance prior to the commencement of any earth disturbing activities (including clearing and early works) to Development Assessment Services via email: [das.ntg@nt.gov.au](mailto:das.ntg@nt.gov.au) .
4. Prior to the commencement of works, a Weed Management Plan (WMP) is to be submitted to and approved by the Consent Authority on the advice of the Department of Environment, Parks and Water Security (DEPWS). The WMP must be developed and implemented so as to meet the minimum gamba grass management requirements for the proposed parcel sizes in gamba grass Class B Zone area as described in the Weed Management Plan for gamba grass (*Andropogon gayanus*). The WMP should include vehicle / equipment hygiene controls in line with the key principles for weed prevention as outlined in the DEPWS Weed Management Branch document titles Preventing weed spread is everybody's business. The WMP should detail methods, treatments, and timing for effective gamba grass management on the site during the development so that gamba grass is satisfactorily managed at completion of works for all proposed or existing lots. Information regarding weed management is available at the NTG website:

<https://nt.gov.au/environment/weeds>. The WMP should be emails for assessment to: [DevelopmentAssessment.DEPWS@nt.gov.au](mailto:DevelopmentAssessment.DEPWS@nt.gov.au).

## **GENERAL CONDITIONS**

5. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
6. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
7. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for approval by the Surveyor General.
8. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage and electricity facilities, and telecommunication networks to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
9. All approved works for the proposed and affected roads (including bus stops), street lighting, stormwater drainage, site earthworks, vehicular access, pedestrian/cycle corridors and streetscaping are to be completed to the satisfaction and technical requirements of City of Palmerston and Public Transport Section of Department of Infrastructure, Planning and Logistics, and constructed at the developer's expense.
10. All proposed roads to be created on the plan of subdivision submitted for approval by the Surveyor General must be dedicated to the relevant authority.
11. The owner shall:
  - (a) remove disused vehicle and/ or pedestrian crossovers;
  - (b) provide footpaths/ cycleways;
  - (c) collect stormwater and discharge it to the drainage network; and
  - (d) undertake reinstatement works;all to the technical requirements of and at no cost to the City of Palmerston, to the satisfaction of the consent authority.
12. Any reinstatement works required as a result of any damage caused to infrastructure or landscaping must be undertaken by the developer, to the technical standards of and at no cost to the City of Palmerston, to the satisfaction of the consent authority.
13. All works relating to this permit must be undertaken in accordance with the endorsed Type 2 Erosion and Sediment Control Plan (ESCP) to the requirements of the consent authority. Should the endorsed Type 2 Erosion and Sediment Control Plan (ESCP) need to be amended, the revised ESCP must be developed and/or certified by a Certified Professional in Erosion and Sediment Control (CEPSC) to the satisfaction of the consent authority. The

revised ESCP should be submitted for acceptance to Development Assessment Services via email: [das.ntg@nt.gov.au](mailto:das.ntg@nt.gov.au) .

14. All reasonable and practicable measures must be undertaken to prevent: erosion occurring onsite, sediment leaving the site, and runoff from the site causing erosion offsite. Appropriate erosion and sediment control measures must be effectively implemented throughout the construction phase of the development (including clearing and early works) and all disturbed soil surfaces must be satisfactorily stabilised against erosion at completion of works, to the satisfaction of the consent authority. For further information refer to Note 1 below. At completion of works, clearance should be sought from the Department of Environment, Parks and Water Security regarding satisfactory implementation of permanent erosion and sediment control measures and site stabilisation. To arrange a clearance site inspection, email the Development Coordination Branch at: [depws@nt.gov.au](mailto:depws@nt.gov.au).
15. All works relating to this permit are to be undertaken in accordance with the approved Weed Management Plan (WMP) to the requirements of the Consent Authority on the advice of DEPWS. The Weed Management Branch may conduct random inspections before, during and after any development.

#### NOTES:

1. Information regarding erosion and sediment control can be obtained from the IECA Best Practice Erosion and Sediment Control 2008 books available at [www.austica.com.au](http://www.austica.com.au) and the Department of Environment, Parks and Water Security ESCP Standard Requirements 2019 and Land Management Factsheets available at <https://nt.gov.au/environment/soil-land-vegetation>. For further advice, contact the Development Coordination Branch: (08) 8999 4446.
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([waterdevelopment@powerwater.com.au](mailto:waterdevelopment@powerwater.com.au)) and Power Network Engineering Section ([powerdevelopment@powerwater.com.au](mailto:powerdevelopment@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
3. The Northern Territory Subdivision Development Guidelines capture the technical standards to comply with for the construction of public infrastructure as part of subdivision works to the requirements of service authorities and local authorities. Prior to any works commencing, it is encouraged that you engage early with the relevant authority to confirm their requirements and any variations that may be sought to the Subdivision Development Guidelines to ensure the works are completed to the relevant authorities' requirements. The Northern Territory Subdivision Development Guidelines can be found at: <https://www.ntlis.nt.gov.au/sdg-online/>.
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/new-developments.html> once registered nbn will be in contact to discuss the specific requirements for the development. Nbn requires you to apply at

least 3 months before any civil works commence. All telecommunications infrastructure should be built to nbn guidelines found at <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/newdevelopments/builders-designers.html>.

5. All new roads, including alterations and extensions to existing roads, are required to be named under the *Place Names Act 1967*. You should immediately make application to the Place Names Committee to commence the road naming process. Contact the Place Names Unit on 8995 5333 or [place.names@nt.gov.au](mailto:place.names@nt.gov.au). Further information can be found at [www.placenames.nt.gov.au](http://www.placenames.nt.gov.au)
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](mailto:info@ntbuild.com.au)) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.

## REASONS FOR THE DECISION

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

The proposal is to develop Lot 15460, Town of Palmerston for the purpose of a 51 lot subdivision comprising 50 residential lots and one public open space lot. The balance of Lot 15460 will remain undeveloped.

Lot 1560 is located in Zone SP9 (Specific use). The *Planning Act 1999* as amended on 31 July 2021, states in section 215(1):

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

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

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

The proposal has been assessed against the relevant provisions of Zone SP9 (Specific Use), Clause 11.2.1 (Site Characteristics in Residential Subdivision), Clause 11.2.2 (Infrastructure and Community Facilities in Residential Subdivisions), Clause 11.2.3 (Lot Size and Configuration in Residential Subdivisions) and Clause 14.5.1 (Palmerston Eastern Suburbs Planning Principles) of the NTPS 2007.

Zone SP9 (Specific Use) includes subdivision requirements in relation to lot size and frontage averages, and maximum lot type proportions



that apply to the entirety of zoned area rather than to Phase 3.7 in isolation. Some aspects of Phase 3.7 do not comply with the lot size and frontage averages and the maximum lot type proportions required by Table A to Zone SP9. In particular, the frontage widths of the Premium Traditional lots in the proposed cul-de-sac, three of which are 10m wide, where an average of 22m is required. The DCA advised the applicant that these reduced frontage widths would increase the difficulty of meeting the 22m average required for Premium Traditional in future phases. Notwithstanding this, the DCA concluded that the reduced frontage widths in the cul-de-sac could be considered as they met City of Palmerston requirements and the building envelope plans demonstrate they are adequately sized to ensure a dwelling can be accommodated adhering to the setback requirements. Therefore, while some aspects of Phase 3.7 do not comply with the lot size and frontage averages and maximum lot type proportions in Zone SP9, it is considered that there is sufficient capacity for future stages to ensure compliance.

It is noted that the DCA cannot vary the requirements of Zone SP9, therefore the applicant will need to ensure that the final lot mix and design of the subdivision complies with the averages set out in Table A to Zone SP9 upon completion of the final stage of subdivision. At the meeting, the Chair of the DCA reiterated to the applicant that the DCA have no ability to grant consent to future phases of the subdivision unless it can be demonstrated the subdivision as a whole meets the average lot sizes, frontage widths and maximum proportions for each lot type outlined in Table A to Paragraph 3 of Zone SP9.

Building envelope plans have been endorsed in accordance with Clause 2 of Zone SP9, which confirm that each lot is able to accommodate a single dwelling, with sufficient space for any ancillary structures and car parking. These plans also demonstrate that access can be provided to each lot avoiding street infrastructure and services.

The proposal was also found to comply with Clauses 11.2.1 (Site Characteristics in Residential Subdivision), 11.2.2 (Infrastructure and Community Facilities in Residential Subdivisions), 11.2.3 (Lot Size and Configuration in Residential Subdivisions) and 14.5.1 (Palmerston Eastern Suburbs Planning Principles) of the NTPS 2007, where they were not varied by the provisions of Zone SP9.

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

Comments received from service authorities and the local authority indicate that the land is able to be developed for the intended purpose. It is noted that earthworks are proposed that will ensure all lots within Phase 3.7 are suitable for their intended purpose.

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

Phase 3.7 adjoins previous stages to the south and the west that have been constructed, and areas to the east intended for future subdivision. The proposal will deliver a road linking previously developed phases in the north with those in the south, and will also deliver a small parcel of public open space. The proposal aligns with the type of development anticipated within the locality.

**FOR: 4**

**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**

23 July 2021