

DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 287 – FRIDAY 27 JANUARY 2017

**PRESENTATION SUITE
LEVEL 5, 21 KITCHENER DRIVE
DARWIN WATERFRONT**

MEMBERS PRESENT: Stephen Ward (Deputy Chairman), Bob Elix, Garry Lambert, Doug Phillips and John Gleeson

APOLOGIES: Nil

OFFICERS PRESENT: Luciana Carnesi, Sarah Gooding, Joseph Sheridan, May Banh and Amit Magotra (Development Assessment Services)

COUNCIL REPRESENTATIVE: James Whyte and Nadia Smith

Meeting opened at 9:30 am and closed at 12:00 pm

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
PA2016/0675
APPLICANT

ADDITION OF A 45M LIGHTING TOWER TO AN EXISTING LEISURE AND RECREATION FACILITY
SECTION 4982 (70) ABALA ROAD, HUNDRED OF BAGOT
PLANIT CONSULTING PTY LTD

Mr Boyd Sargent from Planit Consulting Pty Ltd was present.

RESOLVED
27/01

That, the Development Consent Authority vary the requirement of Clause 6.1 (General Height Control) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Section 04982 (70) Abala Road, Hundred of Bagot for the purpose of addition of a 45m lighting tower to an existing leisure and recreation facility subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant/land owner is required to prepare accurate survey information including maximum elevation levels to AHD for further assessment, to the requirements of the Darwin International Airport and to the satisfaction of the Consent Authority.
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant/land owner is required to apply for an approval under the Defence (Areas Control) Regulations D(AC)R as outlined in Regulation 10 of the D(AC)R for proposed structures higher than 15 metres, to the requirements of the Department of Defence and to the satisfaction of the Consent Authority.

GENERAL CONDITIONS

3. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
4. The owner of land must enter into agreements with the relevant authorities for the provision of water supply, sewerage, and electricity services to the development shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.
5. 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.

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 to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. The applicant/land owner shall ensure that the lighting tower comply with Section 9.21 'Lighting in the Vicinity of Aerodromes' of the CASA Manual of Standards Part 139 available at 'https://www.legislation.gov.au/Details/F2016C00220'.
3. Prior to the commencement of works, any proposal to use cranes during construction will require a separate application to Darwin International Airport.
4. The Department of Defence and Darwin International Airport advise that a separate application is required for the use of cranes during construction which are likely to impact on the height limits of the Airport.

REASONS FOR THE DECISION

1. Pursuant to Section 51(a) of the Planning Act, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. The purpose of Zone OR (Organised Recreation) is to provide areas for organised recreational activities. Development of land is to be permitted to that which is consistent with the recreational opportunities of the land.
2. A variation to the requirements of Clause 6.1 (General Height Control) of the Northern Territory Planning Scheme is granted for the lighting tower (45m) which exceed the maximum height of the 8.5m allowable in Zone OR. The land is currently used as a sport stadium and satisfies the zone provisions. The tower is considered to be an ancillary development to the existing operations of TIO Stadium, within the Marrara Sporting Complex.
3. Pursuant to Section 51(m) of the Planning Act, the consent authority must take into consideration the public utilities or infrastructure provided in the area in which the land is situated, the authorities who have provided comments have raised no objections to the development, subject to compliance with the recommended conditions. Notwithstanding, due to the proposed height, conditions are recommended as requested by Department of Defence and Darwin International Airport.
4. Pursuant to Section 51(n) of the Planning Act, the consent authority must take into consideration the potential impact of the amenity in the area in which the land is situated. The lighting tower is considered vital in the ongoing operations of the TIO Stadium and provides necessary upgrade to the lighting requirements to meet current stadium standards. The proposal is not expected to create any amenity impacts which are not unusual for this type of development.

5. Pursuant to Section 51(p) of the Planning Act, the consent authority must take into consideration the broader public interest. No public submissions were received.

ACTION: Notice of Consent and Development Permit

ITEM 2 **CHANGE IN USE OF LEVEL 16 FROM A SERVICED APARTMENT TO A FUNCTION**
PA2016/0699 **AREA**
APPLICANT **UNIT 9915 (APT 1601, (6) CAREY STREET, TOWN OF DARWIN**
ELTON CONSULTING

Mr Martin Klopper (dialled in) and Mr Frank Eyndhoven of Elton Consulting was present.

RESOLVED
27/01

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Units 9916 (Body Corporate) and 9915 (Apartment 1601) (6) Carey Street, Town of Darwin for the purpose of a change of use of level 16 from a serviced apartment to a function area, to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

- A traffic and parking management plan, prepared by a suitably qualified person detailing the traffic and parking operations on the site must be submitted. The plan must be developed in consultation with City of Darwin, and stipulate an appropriate number of parking bays allocated to the multiple dwellings and serviced apartments located within the building. The Plan must also outline the car parking and servicing arrangement for the proposed function area and must demonstrate that the provision of car parking allocated to other apartments in the complex are not affected by the operations of the function area.

REASONS FOR THE DECISION

Pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority may defer consideration of an application to enable the applicant to provide additional information that the authority considers necessary. Additional information is considered necessary to demonstrate that sufficient off-street car parking is provided to service the proposed use.

ACTION: Defer application and issue a Notice to Cease letter.

ITEM 3 **COMMUNITY CENTRE WITH ANCILLARY LIGHT INDUSTRY**
PA2016/0720 **LOT 4974 (36) DRIPSTONE ROAD, TOWN OF NIGHTCLIFF**
APPLICANT **DARWIN MEN'S SHED**

Mr Peter Hendry and Mr Frank George from Darwin Men's Shed was present.
Mr James Whyte provided comments concerning access from Dripstone Road

RESOLVED
27/01

That, the Development Consent Authority vary the requirements of Clause 6.5.3 (Car Parking Layout), of the Northern Territory Planning Scheme, and pursuant to

section 53(a) of the Planning Act, consent to the application to develop Lot 4974 (36) Dripstone Road, Town of Nightcliff for the purpose of a community centre with ancillary light industry, subject to the following conditions:

CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawing no. 2016/0720/01 and 2016/0720/02 endorsed as forming part of this permit.
2. All vehicular access to the building shall be permitted from the Rowling Street only to the satisfaction of the consent authority.
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 the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. Before the use or occupation of the development starts, the area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be kept available for these purposes at all times.
5. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
6. Storage for waste bins is to be provided to the requirements of the City of Darwin to the satisfaction of the consent authority.
7. The light industry use approved as part of this development is to remain ancillary to the community centre into the future.
8. The use of the land for the purpose of a community centre must cease 12 months from the date of issue of this permit.

NOTES

1. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to Council.
2. City of Darwin advises that any proposed access to the building from Dripstone Roads shall be subject to the approval of City of Darwin.
3. All proposed works on/over City of Darwin property shall be subject to a separate application to the City of Darwin and shall be carried out to the requirements and satisfaction of the General Manager Infrastructure, City of Darwin.

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the Planning Act, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. The NT Planning Scheme applies to the land. Lot 4974 Town

of Nightcliff is identified within Zone CP (Community Purpose) of the NT Planning Scheme. The primary purpose of Zone CP is to provide for community services and facilities, whether publicly or privately owned or operated, including facilities for civic and government administration. The proposed development relates to use of an existing; otherwise vacant building for the purpose of "community centre" operated by the Darwin Men's Shed (DMS), which is a "permitted" use within Zone CP of the NT Planning Scheme.

The development of light industry is normally prohibited in Zone CP however Clause 2.9 of the Planning Scheme provides that where the ancillary use or development would be prohibited is proposed as the primary use or development, the ancillary use or development is permitted only with consent. The community centre includes workshop areas for the member of DMS to work on mechanical projects and repairing tools. Being part of the community works of the organisation, this is considered ancillary. A condition is included confirming the light industry use is to remain ancillary to the community centre.

2. A variation to the requirements of Clause 6.5.3(c) (Car Parking Layout - Providing separate access to every car parking space) of the Northern Territory Planning Scheme is granted considering the temporary use of the building (for a period of 12 months) and formalising the car parking and access would be a significant and potentially unreasonable cost in this circumstance.
3. Pursuant to Section 51(n) of the Planning Act, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated. The proposed development enhances the use of the site as it utilises an existing; otherwise vacant building. This also improves the amenity of site as it provides an opportunity for regular maintenance of the building and the open area. The existing building on site has thick brick walls which can minimise the effect of noise emanating from the community centre. The applicant has also agreed to close the roller doors to reduce the impact of noise.
4. Pursuant to Section 51 (m) of the Planning Act, the consent authority must consider 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 the relevant authorities and comments received from these authorities are addressed by the inclusion of conditions on the development permit.

ACTION:

Notice of Consent and Development Permit

ITEM 4

WITHDRAWN FROM MEETING

Mr Randal Ashford and Natasha Burgess attended.

RESOLVED

27/01

That, the Development Consent Authority vary the requirements of Clause 7.3.1 (Additional Setback Requirements for Residential Buildings Longer than 18m and for Residential Buildings over 4 Storeys in Height) of the Northern Territory Planning Scheme, and pursuant to Section 53(a) of the *Planning Act*, consent to the application to develop Lot 3884 (5) Quarry Crescent, Town of Darwin for the purpose of the addition of 2 x 3 bedroom multiple dwellings in 2 x 2 storey buildings, subject to the following conditions:

CONDITIONS PRECEDENT

1. Before the development starts, a landscape plan to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and two copies must be provided. The landscaping plan must be generally in accordance with the landscape concept plan shown on drawing number DA-S2-101, except that the plan must show:
 - a) a survey (including botanical names) of all existing vegetation to be retained and/or removed;
 - b) details of surface finishes of pathways and driveways;
 - c) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - d) landscaping and planting within all open areas of the site;
 - e) provision of an in ground irrigation system to all landscaped areas.

All species selected must be to the satisfaction of the consent authority

2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a schematic plan demonstrating the on-site collection of stormwater and its discharge into the underground stormwater drainage system shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority. The plan shall include details of site levels and stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected to the underground system.
3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare an Environmental and Construction Management Plan (ECMP) to the requirements of the City of Darwin. The ECMP is to address waste management, traffic control, haulage

routes, and the use of Council land during construction, to the satisfaction of the consent authority.

4. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a dilapidation report covering infrastructure within the road reserve to the requirements of the City of Darwin, to the satisfaction of the consent authority.

GENERAL CONDITIONS

5. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
6. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities and telecommunication services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
7. 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.
8. 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.
9. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the City of Darwin, to the satisfaction of the consent authority. 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 Darwin, to the satisfaction of the consent authority.
10. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.
11. A Compliance Certificate under the Swimming Pool Safety Act issued by the Swimming Pool Safety Authority is required for the swimming pools prior to the commencement of the use to the satisfaction of the consent authority. The pool fencing is to comprise either self-closing doors to the living room or frameless glass fencing.
12. Prior to the use/occupation of the development and connection of services (i.e. power and water), the owner of the land must apply for unit/street addressing from the Surveyor-General of the Northern Territory. This will form the legal address and will be required to be placed on the doors and meters within the

development in accordance with the allocation. A Certificate of Compliance will not be able to be granted until such time as addressing is obtained.

13. Before the occupation of the development starts the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
14. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
15. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
16. All air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
17. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the consent authority.
18. All balconies are to be internally drained and discharged is to be disposed of at ground level and in a manner consistent with stormwater disposal arrangements for the site to the satisfaction of the consent authority.
19. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

NOTES

1. This development permit does not grant building approval. You are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing construction works.
2. 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 to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
3. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites in the Northern Territory. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For

construction activities outside these hours refer to the guidelines for further information.

4. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from Department of Environment and Natural Resources.
5. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
6. 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>
7. The Surveyor-General advises you should immediately make application for unit/street addresses to the Survey and Land Records unit on (08) 8995 5362 (surveylandrecords@nt.gov.au).

REASONS FOR THE DECISION

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

The primary purpose of Zone MD is to provide for a range of housing options to a maximum height of two storeys above ground level. The scale, character and architectural style of infill development should be compatible with the streetscape and surrounding development. The development is for two townhouse dwellings; two-storeys in height. The surrounding area is a mix of one and two-storey, single and multiple dwelling developments.

A variation to the front setback is supported as the two gatehouse structures on the front boundary provide an attractive welcoming feature to the development. They are designed using a variety of materials, including horizontal slating to match the fencing and, as such, appear almost to be an extension of the front fence.

A variation to the side setbacks is supported for the following reasons:

- the side façade of House 1 House 2 include the provision of both horizontal and vertical windows of various sizes, which helps to break up the bulk of the building;
- The front balcony of House 1 is largely screened from the western side boundary by a solid screen wall. The screen wall consists of a cut-out feature, which assists in maintaining privacy, whilst also reducing the visual bulk of the building;
- With the exception of one window at the top of the internal staircase, no other habitable windows overlook the shared boundary with Lot 3885;
- The western neighbouring property Lot 3885 is currently developed with a two storey building that has a blank side façade and therefore overlooking issues are considered unlikely; and
- The proposed development for Lot 3884 is one half of a larger development that includes Lot 3883. Therefore, while a 19.26m section of House 2 does not comply with the 3m setback requirement, the buildings proposed for the adjoining Lot 3883 have been designed to complement the and ensure privacy from the development at Lot 3884 and meet the minimum building separation distances that would be required if the development was considered together on one parcel of land.

A variation to the rear and side setback is supported for the two pergola structures as they are open in structure and a 1.8m screen fence is provided along both the front and rear boundaries. Furthermore, the property to the rear of the site (Lot 3874) is a large parcel of land (1,100m²), is heavily landscaped with large trees at the rear of the site and the dwelling is located approximately 25m from the rear boundary.

2. Pursuant to Section 51(j) of the Planning Act, the consent authority must take into consideration the capability of the land to which the proposed development relates, 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 site is already developed with a multiple dwelling development. No land capability issues were raised by the Department of Environment and Natural Resources.

3. Pursuant to Section 51(n) of the Planning Act, 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.

Despite the setback variations requested, the assessment has concluded that the scale of the development, including the height and built form is consistent with that reasonably anticipated in this location. The proposal is for a development that is of a lower density than potentially possible on the site, allowing for a greater provision of private open space and landscaping. With a parcel size of 905m², Lot 3884 has the potential to develop up to three dwellings. Rather the proposal is for two dwellings allowing for a higher quality development achieving a surplus of private open space and landscaping than required by the Scheme.

The proposed dwellings are detached and allow for an increase in breeze circulation. For these reasons, it is considered that there will be minimal impacts on the existing and future amenity of the area.

ACTION: Notice of Consent and Development Permit

ITEM 6 **2 x 3 BEDROOM MULTIPLE DWELLINGS IN 2 X 2 STOREY BUILDINGS**
PA2016/0672 **LOT 3883 (7) QUARRY CRESCENT, TOWN OF DARWIN**
APPLICANT **ASHFORD GROUP PTY LTD**

Mr Randal Ashford and Natasha Burgess attended.

RESOLVED

27/01 That, the Development Consent Authority vary the requirements of Clause 7.3.1 (Additional Setback Requirements for Residential Buildings Longer than 18m and for Residential Buildings over 4 Storeys in Height) of the Northern Territory Planning Scheme, and pursuant to Section 53(a) of the *Planning Act*, consent to the application to develop Lot 3883 (7) Quarry Crescent, Town of Darwin for the purpose of the addition of 2 x 3 bedroom multiple dwellings in 2 x 2 storey buildings, subject to the following conditions:

CONDITIONS PRECEDENT

1. Before the development starts, a landscape plan to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and two copies must be provided. The landscaping plan must be generally in accordance with the landscape concept plan shown on drawing number DA-S2-101, except that the plan must show:
 - a) a survey (including botanical names) of all existing vegetation to be retained and/or removed;
 - b) details of surface finishes of pathways and driveways;
 - c) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - d) landscaping and planting within all open areas of the site;
 - e) provision of an in ground irrigation system to all landscaped areas.

All species selected must be to the satisfaction of the consent authority

2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a schematic plan demonstrating the on-site collection of stormwater and its discharge into the underground stormwater drainage system shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority. The plan shall include details of site levels and stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected to the underground system.

3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare an Environmental and Construction Management Plan (ECMP) to the requirements of the City of Darwin. The ECMP is to address waste management, traffic control, haulage routes, and the use of Council land during construction, to the satisfaction of the consent authority.
4. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a dilapidation report covering infrastructure within the road reserve to the requirements of the City of Darwin, to the satisfaction of the consent authority.

GENERAL CONDITIONS

5. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
6. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities and telecommunication services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
7. 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.
8. 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.
9. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the City of Darwin, to the satisfaction of the consent authority. 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 Darwin, to the satisfaction of the consent authority.
10. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.
11. A Compliance Certificate under the Swimming Pool Safety Act issued by the Swimming Pool Safety Authority is required for the swimming pools prior to the commencement of the use to the satisfaction of the consent authority. The pool fencing is to comprise either self-closing doors to the living room or frameless glass fencing.
12. Prior to the use/occupation of the development and connection of services (i.e. power and water), the owner of the land must apply for unit/street addressing from the Surveyor-General of the Northern Territory. This will form the legal address and will be required to be placed on the doors and meters within the development in accordance with the allocation. A Certificate of Compliance will not be able to be granted until such time as addressing is obtained.

13. Before the occupation of the development starts the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
14. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
15. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
16. All air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
17. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the consent authority.
18. All balconies are to be internally drained and discharged is to be disposed of at ground level and in a manner consistent with stormwater disposal arrangements for the site to the satisfaction of the consent authority.
19. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

NOTES

1. This development permit does not grant building approval. You are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing construction works.
2. 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 to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
3. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites in the Northern Territory. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

4. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from Department of Environment and Natural Resources.
5. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
6. 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>
7. The Surveyor-General advises you should immediately make application for unit/street addresses to the Survey and Land Records unit on (08) 8995 5362 (surveylandrecords@nt.gov.au).

REASONS FOR THE DECISION

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

The primary purpose of Zone MD is to provide for a range of housing options to a maximum height of two storeys above ground level. The scale, character and architectural style of infill development should be compatible with the streetscape and surrounding development. The development is for two townhouse dwellings; two-storeys in height. The surrounding area is a mix of one and two-storey, single and multiple dwelling developments.

A variation to the front setback is supported as the two gatehouse structures on the front boundary provide an attractive welcoming feature to the development. They are designed using a variety of materials, including horizontal slating to match the fencing and, as such, appear almost to be an extension of the front fence.

A variation to the side setbacks is supported for the following reasons:

- the side façade of House 3 House 4 includes the provision of both horizontal and vertical windows of various sizes and uses a range of building textures, which help to break up the bulk of the building;
- With the exception of one window at the top of the internal staircase, no other habitable windows overlook the shared boundaries with Lot 3884 and 3882; and
- The proposed development for Lot 3883 is one half of a larger development that includes the lot to the west; Lot 3884. Therefore, while a 19.26m section of House 3 does not comply with the 3m setback requirement, the buildings proposed for the adjoining Lot 3884 have been designed to complement the development at Lot

3883 and meet the minimum building separation distances that would be required if the development was considered together on one parcel of land.

A variation to the rear and side setback is supported for the two pergola structures as they are open in structure and a 1.8m screen fence is provided along both the front and rear boundaries. Furthermore, the property to the rear of the site (Lot 3874) is a large parcel of land (1,100m²), is heavily landscaped with large trees to the rear of the site and the dwelling is located approximately 25m from the rear boundary.

2. Pursuant to Section 51(j) of the Planning Act, the consent authority must take into consideration the capability of the land to which the proposed development relates, 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 currently vacant. No land capability issues were raised by the Department of Environment and Natural Resources.

3. Pursuant to Section 51(n) of the Planning Act, 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.

Despite the setback variations requested, the assessment has concluded that the scale of the development, including the height and built form is consistent with that reasonably anticipated in this location. The proposal is for a development that provides for a greater provision of private open space and landscaping.

The proposed dwellings are detached and allow for an increase in breeze circulation. For these reasons, it is considered that there will be minimal impacts on the existing and future amenity of the area.

ACTION: Notice of Consent and Development Permit

ITEM 7
PA2016/0718
APPLICANT

TEMPORARY STOCKPILE OF FILL
LOTS 7303 AND 6475 (68) FRANCES BAY DRIVE, TOWN OF DARWIN
NORTHERN PLANNING CONSULTANTS PTY LTD

Mr Brad Cunnington from Northern Planning Consultants Pty Ltd, Mr Jim Grierson-Commodore and Ms Wendy McCallum from Dinah Beach Association were present.

Submitters present were Ms Jenny Pattison and Ms Ulrike Erwerle.

RESOLVED
27/01

That, the Development Consent Authority pursuant to Section 53(a) of the *Planning Act*, consent to the application to develop Lots 7303 and 6475 (68) Frances Bay Drive, Town of Darwin for the purpose of a temporary stockpile of fill, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works, an Erosion and Sediment Control Plan (ESCP) is to be submitted to and approved by the consent authority on the advice of the Department of Environment and Natural Resources (DENR) and EPA. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the requirements of the Consent Authority, on advice from DENR. The ESCP is to be developed by a suitably qualified and experienced professional in erosion and sediment control planning and the IECA Best Practice Erosion and Sediment Control Guidelines 2008 may be referenced as a guide to the type of information, detail and data that should be included in the ESCP. The plan should detail methods and treatments for minimising erosion and sediment loss from the site during the construction phase. Information regarding erosion and sediment control and ESCP content is available at www.austieca.com.au and the NT Government website: <https://nt.gov.au/environment/soil-land-vegetation>.

2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant/land owner must provide a hydrological assessment prepared by a suitably qualified professional that the stockpile will be constructed to withstand the effects of a primary storm surge current, to the satisfaction of the consent authority.

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

GENERAL CONDITIONS

4. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.

5. The use of the land for the purpose of *temporary stockpile of fill* must cease six (6) months from the date of this permit.

6. The applicant/land owner must ensure that only clean fill (virgin excavated natural material) or inert fill is accepted and that the fill has been adequately assessed as being suitable for its intended use(s).

7. Use of any recycled material must be assessed to confirm that it is suitable for its intended use, to the requirements of EPA and to the satisfaction of the consent authority.

8. Prior to the commencement of works, an Erosion and Sediment Control Plan (ESCP), is to be submitted to and approved by the consent authority on the advice of DENR and EPA. The plan should detail methods and treatments for minimising erosion and sediment loss from the site during the construction phase. The IECA Best Practice Erosion and Sediment Control Guidelines 2008 may be referenced as a guide to the type of information, detail and data that should be included in an ESCP.

Information regarding erosion and sediment control and ESCP content is available at www.austieca.com.au and the DLRM website: <http://lrm.nt.gov.au/soil/management>.

9. 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.

10. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

NOTES

1. The fill shall not contain weeds and or weed seeds is used for the stockpile of fill to mitigate weed spread. Any incidences of introduced weed species to the immediate areas surrounding the ramp will require follow up control, to the satisfaction of the Department of Environment and Natural Resources.
2. In the event that acid sulfate soils are detected, the presence or absence of acid sulfate soils in the stockpile should be confirmed by a suitably qualified professional via Chromium Reducible Sulfur (CRS) testing. If acid sulfate soils are detected then appropriate management action should be taken on the advice of the Department of Environment and Natural Resources (DENR).
3. In the event that the fill is proposed to be used onsite for further developments or the like, the consent authority advises that an application should be lodged within four (4) months from the date of this permit, to ensure an adequate period of time for the application to be considered by the consent authority prior to the lapsing of this permit.
4. The applicant/land owner shall comply with their General Environmental Duty under Section 12 of the Waste Management and Pollution Control Act in relation to the development.
5. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerdevelopmentnorth@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
6. There are statutory obligations under the *Weeds Management Act* to take all practical measures to manage weeds on the property. For advice on weed management please contact the Department of Land Resource Management.

REASONS FOR THE DECISION

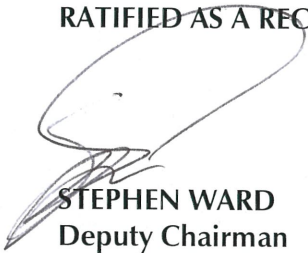
1. Pursuant to Section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. The temporary stockpiling of fill requires assessment in

accordance with clause 6.16 (Excavation and Fill) of the Northern Territory Planning Scheme and is generally compliant with the provisions outlined with this clause. Comments from service authorities have also been considered and incorporated as conditions precedent requiring the submission of an Erosion and Sediment Control Plan and a hydrological assessment to ensure that the temporary stockpiling of fill achieves the provisions of the Scheme.

2. Pursuant to Section 51(n) of the *Planning Act*, 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 permit is limited to a period of six (6) months to ensure that the fill is removed or reused subject to a future development in a timely manner and to reduce any amenity impacts for prolonged periods. The six (6) month limit will also preserve the existing and future amenity of the surrounding locality. More broadly, the amenity considerations have been made by the applicant and the fill has been reduced in height to ensure the amenity impacts are reduced.

ACTION: Notice of Consent and Development Permit

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



STEPHEN WARD
Deputy Chairman

1 / 2 / 2017