



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 311 – FRIDAY 23 MARCH 2018

**BILLABONG ROOM
NOVOTEL DARWIN ATRIUM
100 THE ESPLANADE
DARWIN**

MEMBERS PRESENT: Suzanne Philip (Chair), Doug Phillips, John Gleeson, Mick Palmer and Sherry Cullen

APOLOGIES: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), Dawn Parkes and Amit Magotra (Development Assessment Services)

COUNCIL REPRESENTATIVE: James Whyte and David Burrow

Meeting opened at 11.00 am and closed at 12 noon

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 **2 X 3 BEDROOM MULTIPLE DWELLINGS IN A SINGLE STOREY BUILDING**
PA2017/0471 **LOT 11856 (125) ASCHE STREET, TOWN OF NIGHTCLIFF**
APPLICANT **DPL DEVELOPMENTS**

Mr Darron Lyons (DPL Development) attended.

Mr Lyons tabled 32 pages (28 double sided and 4 single sided) showing similar developments in Muirhead that do not comply with the open space requirements of the NT Planning Scheme.

RESOLVED
33/18

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 11856 (125) Asche Street, Town of Nightcliff, for the purpose 2 x 3 bedroom multiple dwellings in a single storey building 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:

- Demonstration as to how unit-2 of the proposed development complies with the requirements of Clause 7.5 (Private Open Space) of the Scheme; and/or
- Demonstration as to why unit-2 of the proposed development cannot achieve greater compliance with the requirements of Clause 7.5 (Private Open Space). Further justification for any continued non-compliance should also be provided and presented in the context of special circumstances (refer Clause 2.5 of the Northern Territory Planning Scheme) which justify the giving of consent; and
- Any amendments to the application that arise as a result of the above information request.

REASONS FOR THE DECISION

The request for additional information for the areas of non-compliance in relation to Clause 7.5 (Private Open Space) associated with unit-2 is necessary as the application does not adequately demonstrate any special circumstances justifying the non-compliance.

ACTION: Notice of Deferral

ITEM 2 **SUBDIVISION AND CONSOLIDATION TO CREATE TWO LOTS**
PA2017/0598 **SECTION 3115 (102) REICHARDT ROAD & SECTION 5472 (57) BENISON**
APPLICANT **ROAD, HUNDRED OF BAGOT**
FYFE PTY LTD

DAS tabled a further submission from the submitter.

Submitter Mr Bob White sent his apologies.

Ms Cherylee Shandley (Fyfe Pty Ltd) attended.

**RESOLVED
34/18**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Section 3115 (102) Reichardt Road and Section 5472 (57) Benison Road, Hundred of Bagot for the purpose of subdivision and consolidation to create two lots, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended 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 two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a. The remnant parcel of Section 3115 created through subdivision and consolidation of Section 3115 and Section 5472.
2. 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 or an alternate approved connection.

GENERAL CONDITIONS

3. The works carried out under this permit shall be in accordance with the drawing/s endorsed as forming part of this permit.
4. 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.
5. 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.
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 to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
7. 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 City of Darwin to the satisfaction of the consent authority and all approved works are constructed at the owner's expense.

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. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites. 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.
3. As part of any subdivision, the parcel numbers for addressing should comply with the Australian Standard (AS/NZS 4819:2011). For more information contact Survey and Land Records surveylandrecords@nt.gov.au 08 89955354. The numbers shown on the plans endorsed as forming part of this permit are indicative only and are not for addressing purposes.
4. All new roads, including alterations and extensions to existing roads, are required to be named under the *Place Names Act*. 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.
5. The Department of Defence – Estate Division, has advised that “Organic waste and/ or storage of commercial waste bins associated with the proposed development should be managed appropriately.”
6. The Northern Territory Environment and Protection Authority has advised that the proponent must comply with their General Environment Duty provided by section 12 of the *Waste Management and Pollution Control Act*.
7. 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.

REASONS FOR THE DECISION

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

Sections 3115 and 5472 Hundred of Bagot are located with Zone LI (Light Industry) of the NT Planning Scheme (Scheme). The proposed subdivision and consolidation meets the minimum lot size requirements for land within Zone LI and the land size is considered sufficient to support future development of the site as the zone intends.

2. Pursuant to section 51(e) of the *Planning Act*, the consent authority must take into account any submissions made under section 49, in relation to the development application.

One public submission was received objecting to the proposal. The submission was largely concerned with the technical standards of the new proposed road that has already been constructed on site. The submitter argued that the new road that has been constructed does not have adequate stormwater infrastructure. The Authority considered the submission in detail and noted that the Scheme does not provide any guidance for road widths and technical standards in industrial subdivisions as it is typically to the requirements of the relevant authority (City of Darwin in this instance). The Authority noted that Council has raised no concerns and relevant conditions have been included on the permit to ensure that the new road meets the technical standards and requirements of Council.

3. Pursuant to section 51(j) of the *Planning Act*, the consent authority must take into account 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. In addition, pursuant to section 51(m) of the *Planning Act*, 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.


No land capability issues have been identified. No excessive slope, unstable or otherwise unsuitable soils have been identified as part of this assessment that might render the site unsuitable or incapable of accommodating future industrial development. The land is not identified as being within the projected 1% AEP floor area or projected storm surge area. An existing sewerage easement cuts across the southern side of the site. The Power and Water Corporation has advised that the existing easement is still required however, its presence is not considered to significantly constrain the future industrial use of the site. The land is generally considered capable of supporting the subdivision and eventual development.

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

The proposed subdivision will formalise existing arrangements and usage of the land. Provided the design, construction of the new road is to the satisfaction of the relevant authority (City of Darwin) and stormwater flows are adequately addressed, no adverse impact on existing and future amenity is anticipated as a result of this development.

ACTION: Notice of Consent and Development Permit

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

 Suzanne
Philip
2018.03.27
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+09'30'

SUZANNE PHILIP
Chair
27 March 2018