DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 275 – FRIDAY 6 MAY 2016

BROLGA ROOM
NOVOTEL DARWIN ATRIUM
100 THE ESPLANADE
DARWIN

MEMBERS PRESENT: Denis Burke (Chairman), Doug Phillips, Bob Elix and Robin Knox

APOLOGIES: John Gleeson and Garry Lambert

OFFICERS PRESENT: Margaret Macintyre (Secretary), Sally Graetz, Adelle Godfrey, Joseph Sheridan and Sarah Gooding (Development Assessment Services)

COUNCIL REPRESENTATIVE: Cindy Robson (Items 3 and 6) and James Whyte (Item 6)

Meeting opened at 10.00 am and closed at 11.45 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
PA2016/0148
APPLICANT

SINGLE DWELLING WITHIN A DEFINED FLOOD AREA
LOT 9166 (28) ORCHARD ROAD, TOWN OF NIGHTCLIFF
NORTHERN PLANNING CONSULTANTS

Mr Brad Cunnington (Northern Planning Consultants) attended.

RESOLVED
103/16

That, the Development Consent Authority vary the requirements of clauses 7.1.2
(Residential Height Limitations) and 7.3 (Building Setbacks for Residential Buildings)
of the NT Planning Scheme and pursuant to Section 53(a) of the Planning Act,
consent to the application to develop Lot 9166 (28) Orchard Road, Town of Nightcliff
for the purpose of a two storey single dwelling within a primary storm surge area,
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 must provide written
   confirmation from a suitably qualified person that the dwelling will be
   constructed to withstand the effects of a primary storm surge event.

2. Prior to the commencement of works (including site preparation), the
   applicant/land owner must provide confirmation from a suitably qualified
   person that the finished floor levels for the dwelling are 300mm above the
   applicable 1% Annual Exceedance Probability flood event level for the site.

3. 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.

4. Prior to the commencement of works (including site preparation), the applicant
   is to prepare an Environmental Construction Management Plan (ECMP), to the
   requirements of the City of Darwin, to the satisfaction of the consent authority.
   The ECMP is to address how construction will be managed on the site, and is to
   include details of the haulage of excavated and new materials, traffic
   management for construction vehicles, fencing and hours of construction.

5. 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

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

7. 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 land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

8. 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.

9. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to City of Darwin, to the satisfaction of the consent authority.

10. The finished floor levels of habitable rooms of the dwelling must be a minimum of 300mm above the applicable flood level for the property.

11. The ground floor is not to be used for any purpose that could be defined as a ‘habitable room’ as per the definition in the Northern Territory Planning Scheme.

12. 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.

13. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of City of Darwin, to the satisfaction of the consent authority.

14. Storage for waste disposal bins is to be provided to the requirements of City of Darwin 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. The Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency'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.

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. Lot 9166 is located within Zone RR (Rural Residential) of the NT Planning Scheme. The primary purpose of Zone RR is to provide for rural residential uses. The proposal is for the redevelopment of existing rural residential land and proposes the construction of a new dwelling which takes into account the potential impacts of the Primary Storm Surge Area that is identified as impacting the subject land. The development is considered to be consistent with the existing scale and style of residential development in the area and the style of development reasonably anticipated given the existing development pattern and known constraints of the land.

2. A variation to the requirements of clause 7.1.2 (Residential Height Limitations) is considered acceptable as the subject site is 2140m² in area and surrounding parcels are also larger than what is typically the case for an inner suburban allotment. A minor 0.2m variation to the building height in relation to the peak of the roof pitch only which is central to the site is unlikely to have any adverse effect on adjoining properties or the broader locality.

3. A variation to the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme is considered acceptable as the proposed development includes landscaping and screening to maintain privacy for adjacent properties. The variations sought are consistent with the existing development pattern within the Orchard Road locality which is characterised by rural residential allotments of a size and development style more typical of low-density residential zones. The reduced building setbacks are therefore considered acceptable as the design of the dwelling will not undermine the intent of the clause.
4. 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 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 application proposes redevelopment of existing serviced land. While the site is identified as being within the PSSA, the application proposes methods of addressing any potential storm surge impacts. As a result the land is considered capable of accommodating the proposed development. Condition precedents have also been included that require the landowner to submit further documentation to ensure site constraints are addressed.

**ACTION:** Notice of Consent and Development Permit

**ITEM 2 PA2016/0178 APPLICANT**

CHANGE OF USE FROM SHOP TO LEISURE AND RECREATION (GYMNASIUM)
LOT 1726 (45) STUART HIGHWAY, TOWN OF DARWIN
NORTHERN PLANNING CONSULTANTS

Mr Brad Cunnington (Northern Planning Consultants) and Mr Mark Armstrong (F45 - Gym) attended.

Mr Cunnington tabled 8 pages of photographs showing availability of car parks in the area.

**RESOLVED 104/16**

That the Development Consent Authority determine to reduce the car parking requirements pursuant to Clause 6.5.2 (Reduction in Car Parking Requirements) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application to develop Lot 1726 (45) Stuart Highway, Town of Darwin for the purpose of the change of use from shop to leisure and recreation (gymnasium), subject to the following conditions:

**GENERAL CONDITIONS**

1. The works carried out under this permit shall be in accordance with the drawing numbered 2016/0178/01, endorsed as forming part of this permit.

2. The use and/or development as shown on the endorsed plans must not be altered without the further consent of the consent authority.

3. 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.

4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities, and electricity to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. Storage and pick-up for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.

6. Vehicular access to the lot shall be restricted to the existing accesses to Lot 1726 only. No additional access from Stuart Highway shall be permitted without the approval of the Department of Transport, to the satisfaction of the consent authority.

7. The finish of any Prime Identification sign, if erected, shall be such that, if illuminated, day and night readability is the same and is of constant display (i.e. not flashing or variable message). The sign shall be positioned:
   (a) so as not to create sun or headlight reflection to motorists; and
   (b) be located entirely (including foundations and aerially) within the subject lot.

   Advertising signage, either permanent or temporary, e.g. ‘A’ frame, vehicle or trailer mounted shall not be erected or located within the Stuart Highway road reserve.

8. Any floodlighting or security lighting provided on site should be shielded in a manner to prevent the lighting being noticeable or causing nuisance to Stuart Highway road traffic.

NOTES:

1. The City of Darwin advises that any signage for the site shall be wholly within the subject site and subject to Council Policy No. 42 – Outdoor Advertising Signs Code.

2. It is advised that any works within the Stuart Highway road reserve will require a ‘permit to work within a road reserve’ from the Manager Road Operations, Road Projects Division, Department of Construction and Infrastructure.

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 proposal accords with the primary purpose of Zone SC (Service Commercial), being “to provide for commercial activities, which because of the nature of their business or size of the population catchment, require large sites”. Leisure and recreation is a listed consent activity in the zone.

2. A reduction in car parking pursuant to Clause 6.5.2 (Reduction in Parking Requirements) is considered appropriate for the use in consideration of the following matters:

   - The regular usage times of the gym are outside regular operating hours of the surrounding commercial premises, meaning that there should be
minimal conflict with the other uses in the locality that currently take advantage of the availability of the commonly accessible parking spaces in the central portion of the Stuart Highway;

- Using the rate given for gymnasiums in the RTA ‘Guide to traffic generating developments’ the site would see a shortfall of 10.28 carparking spaces (including the on-site bay provided). This shortfall is less than that of the current ‘shop’ use.
- The gym has low staff numbers, meaning that there is very little burden on facilities in the area.
- The location of the proposed gymnasium is within walking distance of a variety of dwellings and businesses and is likely to attract a higher rate of pedestrian visitation.
- Public car parking is available on the Stuart Highway.
- Public transport is readily available in the area particularly with routes connecting the Darwin CBD, the Northern Suburbs, Casuarina and Palmerston.

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 use is considered appropriate for the site and unlikely to have an amenity impact on the surrounding area, provided that only one session is run at any given time and class participants are restricted to a maximum of 15 participants in any one session (excluding staff), the development is not considered to cause any additional impact upon the surrounding amenity than the current shop use.

**ACTION:** Notice of Consent and Development Permit

**ITEM 3**
**PA2016/0189**
**DISABILITY SERVICES FACILITY IN 3 X 1 STOREY AND 1 X 2 STOREY BUILDINGS INCLUDING ANCILLARY OFFICES IN 4 STAGES**
**LOT 7714 (37) HENBURY AVENUE, TOWN OF NIGHTCLIFF**

**APPLICANT**
MKEA ARCHITECTS

DAS tabled an addendum – further comments from the submitter.

Mr Steve Ehrlich (MKEA Architects), Mr Brad Cunnington (Northern Planning Consultants), Mr Greg McMahon and Mr Grant Lindsay (Carpentaria Disability Services) attended.

**RESOLVED**
105/16
That, the Development Consent Authority reduce the number of car parking spaces required pursuant to Clause 6.5.2 (Reduction in Parking Requirements), vary the requirements of Clause 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme, and pursuant to Section 53(b) of the Planning Act, alter the proposed development and consent to the proposed development as altered to develop Lot 7714 (37) Henbury Avenue, Town of Nightcliff for the purpose of a disability services facility in 3 x 1 storey and 1 x 2 storey buildings including ancillary offices in 4 stages, subject to the following conditions:
CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the 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, and must be generally in accordance with the plans submitted with the application but modified to show:
   a. driveway access to Henbury Avenue as determined by the traffic impact assessment required by condition precedent 5;
   b. the location of 4 car parking spaces beneath the drop off area at the front of the respite building;
   c. confirmation of the location of the required number of disabled parking spaces to service the development;
   d. confirmation of the location of coaster bus parking spaces to service the development;
   e. the dimensions of the at grade car parking spaces as required by the diagram to Clause 6.5.3 of the Planning Scheme;
   f. details of screening to the waste loading area adjacent to Willeroo Street;
   g. the removal of reference of any future or separate proposals and identification of any existing buildings and other site features which are to be retained; and
   h. clarification of the staging of the development including all car parking and landscaping areas.

2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), 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 landscaping plan must be generally in accordance with that submitted with the application and must include:
   a. details of any fencing and landscaping proposed along the street frontages including identification of recessed areas in the fencing design to allow for landscaping, and sections of open fencing where possible;
   b. identification of any trees of significant diameter which are suitable to be retained;
   c. details of trees within the at grade car parking area; and
   d. any changes required so that the landscape plan is consistent with the plans required by condition precedent 1.

3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), an Erosion and Sediment Control Plan (ESCP), is to be submitted to and approved by the consent authority on the advice of DLRM. 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
4. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to provide written confirmation from the Water Services division of the Power and Water Corporation for any development works proposed within the sewer easement including associated with the waste loading area, to the satisfaction of the consent authority.

5. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a traffic impact assessment report is to be prepared by a suitably qualified traffic engineer with attention to vehicular, pedestrian, cyclist and public transport issues, including swept paths for waste collection vehicles, and identifying any necessary upgrades to the surrounding street network to the requirements of the City of Darwin, to the satisfaction of the consent authority. The traffic impact assessment report is to identify if a driveway access to Henbury Avenue is required to service the development, including at what stage it should be constructed.

6. 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.

7. Prior to the commencement of works (including site preparation), the applicant is to prepare an Environment 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.

8. 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**

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

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 and telecommunication services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
11. 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.

12. 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.

13. 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.

14. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.

15. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the requirements of the consent authority, upon the advice of the Department of Land Resource Management’.

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. No air conditioning condensers are to be located on the roof of the 2 storey administration building.

17. 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.

18. 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.

19. 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.

20. 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.

21. The office uses approved as part of this development are to remain ancillary to the community services and facilities into the future.
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. A permit to work within a road reserve will be required from the City of Darwin before commencement of any work within the road reserve.

4. Notwithstanding the approved plans, any proposed works (including landscaping) within the road reserve is subject to approval and shall meet all requirements of the City of Darwin, and at no cost to the City of Darwin.

5. The Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency’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.

6. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development is available from Department of Land Resource Management.

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.

8. You are advised to contact NBN Co prior to commencing construction to determine if you development is in an NBN-eligible area. This will help identify the relevant telecommunication network servicing requirements for the development. To register, please complete the pre-qualification forms located at www.nbnco.com.au/newdevelopments. For more information, please contact the NBN Co New Developments Team on 1800 687 626 or email newdevelopments@nbnco.com.au.

9. Environmental Health comment that detailed plans must be submitted for the food premises prior to the commencement of any internal building works and the business registered prior to operating. A note is recommended to be

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These minutes record persons in attendance at the meeting and the resolutions of the Development Consent Authority on applications before it. Reliance on these minutes should be limited to exclude uses of an evidentiary nature.
included to this effect and requirements are expected to be addressed through approvals under the Building Act.

10. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to Council.

**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 Northern Territory Planning Scheme applies and the land is in Zone CP (Community Purposes). The proposal comprises a combination of disability services, including education and training, remedial exercise and therapy, respite care, and administration uses.

The development of offices and restaurant/shop are 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 proposal includes an office building of 3,416m² net floor area which is planned to accommodate the administration services for the disability services facility, based on the anticipated operational needs of the service providers. The service providers will have client facilities within the development and also work with and employ people with disabilities, with the building being purposely designed to allow good access throughout. A condition is included confirming the office uses are to remain ancillary to the community services and facilities. The café will be used by clients, visitors and staff, and also will be used as workplace training for post schools clients and is considered ancillary.

2. Clause 6.5.1 (Parking Requirements) ensures that sufficient off-street car parking constructed to a standard and conveniently located, is provided to service the proposed use. As the use is not defined by the Planning Scheme, a range of related land uses have been considered which provide guidance of the parking requirements including community centres, education establishments, leisure and recreation uses, medical clinics, offices and restaurants. The application described the specific nature of the proposed use as a disability services facility and an expected proportion of clients being dropped to the site by parents or carers or being collected by coaster buses, plus the expected number of staff and visitors to the site. The provided number of spaces is expected to be adequate to provide for the anticipated number of staff and visitors.

The application described that 4 of the 160 identified spaces are located in a drop off area at the front of the respite building, and a condition requests amended plans showing the location of these spaces. The application also described that disabled parking spaces are intended to
be located immediately adjacent to covered building entrances, with a condition requiring these spaces be identified on the site plan.

3. Clause 6.5.3 (Parking Layout) of the Planning Scheme ensures that a car parking area is appropriately designed, constructed and maintained for its intended purpose. The design of the car park is expected to provide a suitable gradient and allow vehicles to enter and exit in a forwards gear, and the majority of spaces will achieve the minimum dimensions required by the diagram to Clause 6.5.3 by condition. Due to the design of the basement car park, the development includes a variation to the 1m additional width required at the end of a row for spaces numbered 12, 43, 48, 63, 22 and 49, however adequate reversing space is provided due to the location of perpendicular aisles. Spaces 43, 48 and 63 are nominated as small car parks. Overall an acceptable level of vehicle access is expected to be achieved.

4. The development is identified as being largely compliant with the requirements of Clause 8.2 (Commercial and Other Development in Zones.... CP) of the Planning Scheme of which the purpose is to promote site-responsive designs of commercial, civic, community, recreational, tourist and mixed use developments which are attractive and pleasant and contribute to a safe environment. Conditions are recommended on the permit for further details of the fencing along the street frontages including for sections of the fence to be recessed and landscaped as described in the application to be shown on the plans to ensure the development provides interest at street level. Additional details are also requested for screening to the waste storage and loading area adjacent to Willeroo Avenue to ensure an appropriate level of residential amenity is achieved, and to avoid the provision of air conditioning condensers above the administration building as this building is already close to the maximum height permitted by Clause 6.1 (General Height Control). The application states that where trees of significant diameter are identified within the landscaped areas, then they will be retained within the site. As this is not reflected on the landscape plan a condition precedent is included for this to be reflected on the plans.

5. 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. Also, 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 for that purpose.

Whilst the land is generally flat, a slight slope towards the west has been identified and it is envisaged some site preparation works will be required to allow for the development. The Department of Land Resource
Management have recommended that an erosion and sediment control plan be prepared and implemented during construction, as has been recommended in the draft conditions. The waste collection area at the northern part of the site affects an existing sewer easement and a condition is included for the design and location of the waste collection area to the satisfaction of the Water Services division of the Power and Water Corporation. The City of Darwin as the authority responsible for the care and control of the surrounding road network requires a traffic impact assessment report to address access to the development, including if a new driveway to Henbury Avenue is required and at what stage it should be completed. Conditions on the development permit require submission of a stormwater management plan, a construction management plan, and a dilapidation report as requested by the City of Darwin. The site is considered capable of accommodating the development through these conditions.

6. 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 development comprises 3 x 1 storey and 1 x 2 storey buildings with large landscaped setbacks to the curved Henbury Avenue frontage, with minimum setbacks occurring at the corners of buildings only and the majority of built form angled away from the street frontage. The minimum setbacks proposed are anticipated to be similar to the buildings currently under construction at the adjacent Dripstone Middle School. The building designs together with the landscaping proposed, and through additional details of the boundary fencing required by condition are expected to ensure the development provides interest at street level and an adequate level of amenity. The retention of trees of significant diameter within the landscaped areas where possible will also provide amenity.

Henbury Avenue comprises a wide reserve of approximately 30m in this location, providing separation to the residential uses to the east. The existing buildings adjacent to Willeroo Street are proposed to be retained as part of this application and will remain largely unchanged. As a waste storage and collection area is included adjacent to Willeroo Street, a condition is recommended to be imposed to ensure this area is appropriately screened from the Willeroo Street frontage.

7. Pursuant to Section 51(e) of the Planning Act, the consent authority must take into consideration any submissions received under Section 50, and any other evidence or information received under Section 50, in relation to the development application. The application was publically exhibited for 14 days in accordance with the requirements of the Planning Act with further additional consultation undertaken with the submitter following the receipt of further details from the applicant. One public submission was received during the exhibition period, with key concerns raised including the extent of office floor area, site levels, construction noise, and fencing treatments. The authority considered that the site is generally flat and while some site preparation works will be required, the extent of
retaining walls is not likely to be excessive. The Noise Guidelines for Development Sites established under the *Waste Management and Pollution Control Act* administered by the Environment Protection Authority will apply to the development. The perimeter fence style is addressed through the conditions which require inclusion of open sections of fencing where possible.

**ACTION:** Notice of Consent and Development Permit

**ITEM 4**
**PA2016/0125**
**APPLICANT** HEINER STRUCTURAL ENGINEERING CONSULTANTS PTY LTD

DAS tabled 8 pages of photographs of the site showing the unit, balcony, neighbouring property and a ground and first floor plan.

Mr Michael Van Dyck and Ms Annette Joseland (both from Heiner Structural Engineering Consultants Pty Ltd) attended.

**RESOLVED**
**106/16**

That pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 1762 (10) McLachlan Street, Town of Darwin for the purpose of a change of use from office to multiple dwelling (Unit 1) to require the applicant to provide the following additional information that the Authority considers necessary in order to enable proper consideration of the application:

- Revised plans to demonstrate an adequate private open space area within the rear balcony area of Unit 1 or evidence that alteration to the rear balcony area is structurally not possible;
- Body corporate approval for the altered design;
- Confirmation that the land owners of neighbouring Lot 1762 (10) McLachlan Street, Town of Darwin have been consulted with respect to the amended proposal and given the opportunity to comment;
- Revised plans confirming that air conditioner condensers belonging to unit 1 will be screened;
- Revised plans showing screening of balcony areas to ensure privacy for residents of Unit 1 and neighbouring properties (if the balcony to the rear is proven unachievable).

**REASONS FOR THE DECISION**

1. Pursuant to section 46(4)(b) of the *Planning Act*, the consent authority may defer consideration of an application if it considers that additional information is necessary to enable it to consider the application properly and require the applicant to provide additional information. Further information is sought from the applicant regarding the necessity to construct a new/extended balcony to the side of the existing building rather than amending the existing balcony at the rear of the site which would not result in a non-compliance with the NT Planning Scheme’s
building setback requirements. Additional information is also sought in relation to consultation with the land owners of the neighbouring property and confirmation of appropriate body corporate approval for the amended design to enable the consent authority to properly consider the potential impacts of the proposal.

**ACTION:** Advice to Applicant

**ITEM 5**

**PA2014/0365**

VARIATION OF CONDITIONS TO ALLOW THE DEVELOPMENT TO OCCUR OVER 2 STAGES AND CHANGES TO THE APPROVED 11 STOREY BUILDING INCLUDING THE PROVISION OF 2 X CAR STACKERS AND THE ADDITION OF A ROLLER DOOR AT GROUND LEVEL LOT 1786 (29) DALY STREET & LOT 2811 (103) WOODS STREET, TOWN OF DARWIN

**APPLICANT** GEORGE SAVVAS

Mr George Savvas attended.

**RESOLVED**

Pursuant to section 57(3) of the Planning Act, the Development Consent Authority consent to the application to vary condition 1 and 8 of Development Permit DP14/0365 for the purpose of the addition of car stackers plus staging of the approved development, 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 provision of 3 car parking stackers on the ground floor. Evidence that the 3 car parking stackers have been purchased and the estimated installation date must be provided prior to the issue of a Certificate of Compliance for Stage 1 works;
   b. a car parking layout that is clearly annotated and:
      i. fully complies with clause 6.5.3 (Parking Layout) of the NT Planning Scheme including its purpose; or
      ii. a car parking layout that complies with the relevant dimensional requirements of Australian Standard AS2090.1:2004 Parking facilities Part 1: Off Street Parking, as confirmed by a suitably qualified professional;

**THIS CONDITION HAS PREVIOUSLY BEEN CLEARED**

2. the proposed crossover not exceeding 6m in width; and

**THIS CONDITION HAS PREVIOUSLY BEEN CLEARED**

3. the provision of bicycle parking at ground level.

**THIS CONDITION HAS PREVIOUSLY BEEN CLEARED**
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a Construction Environmental Management Plan (CEMP), to the requirements of the City of Darwin, to the satisfaction of the consent authority. The CEMP is to address waste management, traffic control, haulage routes, storm water drainage, use of City of Darwin land and how this land will be managed during the construction phase.

THIS CONDITION HAS PREVIOUSLY BEEN CLEARED

3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a traffic impact assessment report prepared in accordance with the Austroads document ‘Guide to Traffic Management Part 12: Traffic Impacts of Developments’. The report must outline changes that will be required to the surrounding road network and address vehicular, pedestrian, cyclist and public transport issues and opportunities, and is to include swept paths for waste collection vehicles entering and exiting the site. The report is to be to the approval of the City of Darwin, to the satisfaction of the consent authority.

THIS CONDITION HAS PREVIOUSLY BEEN CLEARED

4. Prior to the endorsement of plans and prior to commencement of works, a landscape plan must be submitted to the satisfaction of the City of Darwin 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 plan must show:
   a. a survey (including botanical names) of all existing vegetation (including street trees) to be retained and/or removed;
   b. 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;
   c. landscaping and planting within all open areas of the site; and
   d. design and specifications for landscaping of the road verges adjacent to the property
   e. preservation of the large tree near the street corner.

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

THIS CONDITION HAS PREVIOUSLY BEEN CLEARED

5. Prior to the endorsement of plans and prior to the commencement of works, a Waste Management Plan addressing the City of Darwin’s Waste Management Policy 054 must be prepared to the requirements of the City of Darwin, to the satisfaction of the consent authority.

THIS CONDITION HAS PREVIOUSLY BEEN CLEARED

6. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a schematic plan demonstrating all stormwater can be collected on the site and discharged to Council’s stormwater drainage system, to the requirements of City of Darwin, to the satisfaction of the consent authority.

THIS CONDITION HAS PREVIOUSLY BEEN CLEARED
7. Prior to the endorsement of plans and prior to the commencement of works, approval for the location of the 1st floor indoor substation must be obtained from the Power and Water Corporation, to the satisfaction of the consent authority.

**THIS CONDITION HAS PREVIOUSLY BEEN CLEARED**

**GENERAL CONDITIONS**

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

9. Lot 1786 and Lot 2811 must be consolidated. An Occupancy Permit under the Building Act must not be issued until all land affected by the development has been consolidated and a new title issued for the consolidated lot.

10. 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.

11. 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 networks to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

12. 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:
   a. constructed;
   b. properly formed to such levels that they can be used in accordance with the plans;
   c. surfaced with an all-weather-seal coat;
   d. drained;
   e. line marked to indicate each car space and all access lanes; and
   f. clearly marked to show the direction of traffic along access lanes and driveways;
      to the satisfaction of the consent authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.

13. The car parking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their visitors/guests.

14. The recommendations of the traffic impact assessment report as approved by the City of Darwin are to be followed through for the life of the development.

15. Before the use commences the owner must, in accordance with Part 6 of the Planning Act, pay a monetary contribution to the City of Darwin for the upgrade of local stormwater infrastructure, in accordance with its Stormwater Contribution Plan.
16. A compliance certificate under the Swimming Pool Safety Act issued by the Swimming Pool Safety Authority is required for the swimming pool prior to the commencement of the development to the satisfaction of the consent authority.

17. 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. An Occupancy Permit will not be able to be granted until such time as addressing is obtained.

18. Confirmation shall be provided to Development Assessment Services (in the form of an email addressed to the Power and Water Corporation) from a suitable qualified professional (being the Licensed Surveyor in most instances) confirming that all new UTS number labels have been correctly installed at the Customer’s Metering Panel(s) and water meters (where applicable). Please provide a copy of an email addressed to both landdevelopmentnorth@powerwater.com.au and powerconnections@powerwater.com.au.

19. Before the use/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.

20. 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.

21. 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.

22. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of 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.

23. Storage for waste disposal bins is to be provided to the requirements of City of Darwin to the satisfaction of the consent authority.

24. All substation, fire booster and water meter arrangements are to be appropriately screened to soften the visual impact of such infrastructure on the streetscape, to ensure that the infrastructure is sympathetic to and blends in with the design of the building. Details will need to be resolved to the
satisfaction of the consent authority in consultation with the Power and Water Corporation, and NT Fire and Emergency Services.

25. All air conditioning condensers are to be appropriately screened from public view and from view of neighbouring or nearby developments (or developments reasonably anticipated), 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. The use of angled louvered slats for screening purposes is acceptable, however the slat screening must be designed with a panel to gap ratio, such that the condenser units are not readily visible from any angle.

26. All balconies are to be internally drained and discharge 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.

27. 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.

28. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building(s).

29. The loading and unloading of goods from vehicles must only be carried out on the land within the designated loading bay and must not disrupt the circulation and parking of vehicles on the land.

30. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

31. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into City of Darwin drains or to any watercourse.

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. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities.
3. Notwithstanding the approved plans, the demonstrated awning in City of Darwin’s road reserve is subject to Council approval at no cost to Council.

4. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to Council.

5. Notwithstanding the approved plans, any proposed works (including landscaping and structures) within Council’s road reserve and Council land is subject to Council’s approval and shall meet all Council’s requirements, to the satisfaction of the General Manager of Infrastructure, City of Darwin and at no cost to Council.

6. City of Darwin advises that a Tree Protection Zone (TPZ) shall be constructed for all existing trees to be retained within the development, in accordance with Australian Standards – AS 4970-2009 Protection of Trees on Development Sites.

7. Approval must be submitted to the Department of Defence for any cranes used during construction that will infringe on either the Obstacle Limitation Surfaces (OLS) or Procedures for Air Navigation – Operations (PAN-OPS) surfaces for Darwin Airport. Separate approval may be required from the Department of Defence under regulation 10 of the Defence (Areas Control) Regulations (DACR). Until such time as an approval is obtained the applicant is not to construct any structure on the site that exceeds 45m above ground level. Please refer to regulation 8 of the DACR, which outlines the application process and the information required. A copy of the regulation can be obtained at 1TUhhttp://www.comlaw.gov.auU1T.

8. 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.

9. 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.

10. 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 Land Resource Management.

**ACTION:** Variation to Development Permit
ITEM 6  SUBDIVISION TO CREATE 72 LOTS IN 3 STAGES
PA2016/0182  SECTION 6809 HIDDEN VALLEY ROAD, HUNDRED OF BAGOT
APPLICANT  MASTERPLAN NT

Mr Jack Priestly and Ms Kerry Tatchell (Masterplan NT), and Mr Paul Graham (Aurecon) attended.

RESOLVED 108/16

That pursuant to section 46(4)(b) of the Planning Act, the Development Consent Authority defer consideration of the application to develop Section 6809 Hidden Valley Road, Hundred of Bagot for the purpose of subdivision to create 72 lots in 3 stages to enable the proper consideration of the application following receipt of:

- Further advice from the Northern Territory Environment Protection Authority in relation to requirements under the Environment Assessment Act.

RESOLVED 109/16

That pursuant to section 86 of the Planning Act, the Authority delegates to the Chairman, or in the Chairman’s absence any one of the other members of the Darwin Division the power under section 53 of the Act, to determine the application to develop Section 6809 Hidden Valley Road, Hundred of Bagot for the purpose of subdivision to create 72 lots in 3 stages following receipt of:

- Further advice from the Northern Territory Environment Protection Authority in relation to requirements under the Environment Assessment Act and confirmation that any requirements (if any) have been met by the proponent.

REASON FOR THE DECISION

1. Pursuant to section 46(4)(b) of the Planning Act, the consent authority may defer consideration of an application if it considers that additional information is necessary to enable it to consider the application properly.

Section 51(g) of the Planning Act requires the consent authority to take into consideration if a public environmental report, or an environmental impact statement, has been prepared or is required under the Environment Assessment Act in relation to the proposed development. The Northern Territory Environment Protection Authority (NT EPA) has advised that the applicant may be required to submit an environmental impact statement in accordance with the Environment Assessment Act and the consent authority is therefore obligated to await further advice from the NT EPA prior to determining the application.

ACTION: Advice to Applicant

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

DENIS BURKE
Chairman
12/5/16

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These minutes record persons in attendance at the meeting and the resolutions of the Development Consent Authority on applications before it. Reliance on these minutes should be limited to exclude uses of an evidentiary nature.