DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 278 – FRIDAY 8 JULY 2016

BILLABONG ROOM
NOVOTEL DARWIN ATRIUM
100 THE ESPLANADE
DARWIN

MEMBERS PRESENT: Denis Burke (Chairman), Doug Phillips, John Gleeson, Bob Elix and Garry Lambert

APOLOGIES: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), Adelle Godfrey, Ann-Marie Dooley, Amit Magotra, Sarah Gooding and Walter Hawkins (Development Assessment Services)

COUNCIL REPRESENTATIVE: Cindy Robson and James Whyte (Items 3, 5 & 6 only)

Meeting opened at 10.15 am and closed at 12.15 pm
ITEM 1  
PA2016/0310  
TWO STOREY SINGLE DWELLING WITH REDUCED SETBACKS FROM THOSE  
REQUIRED IN ZONE SD20 (SPECIFIC USE DARWIN NO.20)  
LOT 7714 (10) RUDDICK CIRCUIT, TOWN OF DARWIN  
APPLICANT  
ASHFORD GROUP PTY LTD

Mr Randal Ashford (Ashford Group Pty Ltd) attended.

RESOLVED  
142/16  
That, pursuant to section 53(a) of the Planning Act, the Development Consent Authority consent to the application to develop Lot 7714 (10) Ruddick Circuit, Town of Darwin for the purpose of a two storey single dwelling with reduced setbacks from that required in Zone SD20 (Specific Use Darwin No. 20), subject to the following conditions:

CONDITIONS PRECEDENT

1. 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

2. The works carried out under this permit shall be in accordance with the drawings numbered 2016/0310/01 to 2016/0310/08 endorsed as forming part of this permit.

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, drainage, sewage and electricity facilities to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

5. 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; and 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.

6. 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.

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

8. Before the occupation of the development starts the landscaping shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.

9. The landscaping shown on endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.

10. All air-conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed to ground level in a controlled manner to the satisfaction of the consent authority.

11. 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.

12. 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. 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.
3. A “Permit to Work within a Road Reserve” may be required from the City of Darwin before commencement of any work within the road reserve.

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.

Lot 7714 is within Zone SD20 (Specific Use Darwin 20) of the NT Planning Scheme. The purpose of this zone is to facilitate the subdivision, use and development of land as a residential estate. The proposal is for a two storey single dwelling with reduced setbacks from those required in Zone SD20, and is considered to be consistent with this zone purpose.

The balanced design for the development having setback at equal distance of 1.5m from east and west boundaries provides a more useable area for landscaping and breeze penetration through and between the buildings.

The development is consistent with the existing built form in the area and does not compromise the overall purpose of this clause.

The use of a variety of building materials and finishes along with the design aid in the reduction of the visual bulk of building massing when viewed from Ruddick Circuit and adjoining properties.

2. 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. The application was circulated to the relevant authorities and no significant issues were identified that area unable to be addressed by the inclusion of conditions on the development permit.

3. 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. Three public submissions were received for the application which raised concerns about a mezzanine level which added a 3rd storey to the building. Following the close of the exhibition period, the applicant provided amended plans which removed the mezzanine level.
One of the submissions raised concerns with the location of the private open space area at the rear, including the proximity of this area on the adjacent properties and the potential amenity impacts as a result. The authority considered that the private open space area will not impact the amenity of the neighbouring property as the private open space is provided at ground level, and landscaping and fencing along the rear boundary prevent direct views and overlooking.

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

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**ITEM 2**

**PA2016/0305**

**APPLICANT** THREE STOREY SINGLE DWELLING

LOT 7740 (39) RUDDICK CIRCUIT, TOWN OF DARWIN

ASHFORD GROUP PTY LTD

DAS tabled further information from the applicant on the proposed awning.

Mr Randal Ashford (Ashford Group Pty Ltd) and Mr Brad Cunnington (Northern Planning Consultants Pty Ltd) attended.

Submitter Mr Tony Martin attended.

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**RESOLVED**

143/16

That, the Development Consent Authority vary the requirements of Clause 7.1.2 (Residential Height Limitations) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application to develop Lot 7740 (39) Ruddick Circuit, Town of Darwin for the purpose of a three storey single dwelling with reduced setbacks from that required by Zone SD20 (Specific Use Darwin No. 20), subject to the following conditions:

**CONDITION PRECEDENT**

1. 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**

2. The works carried out under this permit shall be in accordance with the drawings numbered 2016/0305/01 through to 2016/0305/07 endorsed as forming part of this permit.

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, drainage, sewerage and electricity facilities to

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

5. 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.

6. 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.

7. 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. 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.

3. 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.

REASONS FOR THE DECISION

1. Pursuant to Section 51(a) of the Planning Act, the consent authority must take into consideration any planning scheme applying to the land. Lot 7740, Town of Darwin, is within Zone SD20 (Specific Use Darwin 20) of the NT Planning Scheme. The purpose of this zone is to facilitate the subdivision, use and development of land as a residential estate. The proposal is for a three storey single dwelling which is considered to be in accordance with the purpose of this zone and is unlikely to result in undue amenity impacts.

2. A variation to the two storey height limit of Clause 7.1.2 (Residential Height Limitations) is granted as:
• There are a number of other properties within the Frances Park Estate that have already been developed with three storey dwellings. The design of the subject building is considered consistent with the style and scale of dwellings already developed on nearby land and the design of future dwellings reasonably anticipated for the remaining vacant lots.

• The building has varied setbacks, creating a ‘stepped’ design, thereby minimising opportunities for undue overlooking of adjoining land, while still providing views to the building entrance and streetscape, which is important from a community safety perspective. The balcony shown to the living/dining area on Level 1 overlooks Ruddick Circuit, which is similar to the neighbouring property at 37 Ruddick Circuit. The balcony at 39 Ruddick is setback 1.5m from the property boundary which is compliant with the requirements of Zone SD20.

• The varied setback for each of the levels further reduces the impact that the additional storey has on the streetscape. The placement of windows and use of a variety of building materials and finishes aids in the reduction of the visual bulk of the additional storey when viewed from Ruddick Circuit and adjoining properties. No part of the building is greater than 8.5m high.

3. A variation to the setback plan (endorsed by DP07/0312) is granted in this instance as the varied façade of the building reduces the overall bulk along the eastern boundary. The setback has been increased along the western boundary to improve the breeze penetration of the site. The dwelling is also setback a further 1.25m from the front boundary than required. The proposal’s non-compliance with the endorsed building envelope plan is considered relatively minor in terms of the overall level of compliance with other setbacks and a variation to this requirement is considered acceptable.

4. 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. Three public submissions were received for the application, raising concerns regarding a perceived 4th storey element, plus the potential for overshadowing and overlooking of adjacent properties. The authority considered that the dwelling is 3 storeys above ground level as defined by the Planning Scheme. The site has a descending slope towards the front boundary, with the 3rd storey element limited to a small section of the building and the non-compliance not expected to cause undue overshadowing or overlooking as the building is limited to 8.5m in height.

Also, one submission raised concerns of the potential for overlooking from the first floor balcony as it is proximate to another balcony on the adjacent lot to the west, as the balcony provided no screening to the common boundary. The same submission also raised concerns that the location and size of the kitchen window would cause overlooking. The authority considered that the building design provided an additional setback of 1.5m to the common boundary which provides a more responsive design than the ‘0m setback which could otherwise be developed, and that the balcony is designed to direct views towards
Ruddick Circuit. The authority understands the kitchen window is low level and will not contribute to direct or undue overlooking.

**ACTION:** Notice of Determination

**ITEM 3**  
PA2016/0327  
ALTERATIONS TO AN EXISTING SHOP INCLUDING AN INCREASED BUILDING  
HEIGHT AND FAÇADE UPGRADES  
LOT 2325 (35) KNUCKEY STREET, TOWN OF DARWIN  
APPLICANT ASHFORD GROUP PTY LTD

Mr Randal Ashford (Ashford Group Pty Ltd), Mr Brad Cunnington (Northern Planning Consultants Pty Ltd), Ms Darlene Chin and Mr Darryl Thomas (landowners and business owners) attended.

**RESOLVED**  
144/16  
That, the Development Consent Authority reduce the car parking requirements pursuant to Clause 6.5.2 (Reduction in Parking Requirements), and vary the requirements of Clauses 6.3.3 (Urban Design Requirements in Central Darwin) and 6.6 (Loading Bays) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application to develop Lot 2325 (35) Knuckey Street, Town of Darwin for the purpose of alterations to an existing shop including an increased building height and façade upgrades, subject to the following conditions:

**CONDITIONS PRECEDENT**

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), approval is required for the provision of awnings to the Knuckey Street frontage to the requirements of the City of Darwin, to the satisfaction of the consent authority. The plans must be generally in accordance with the plans submitted with the application and the awnings shall not reduce the achievement of active frontages below 75% of the total length of the site boundary to the street. (75% may need to be adjusted in appropriate instances where less than 75% active frontages are achieved and this is deemed acceptable by the consent authority).

2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), approval is required by the City of Darwin for any element of the building (separate to awnings) that is designed to be constructed or installed over the City of Darwin road reserve, to the satisfaction of the consent authority.

3. Prior to the commencement of works (including site preparation), the applicant is to prepare a waste management plan to the requirements of 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 and Construction Management Plan (ECMP) to the requirements of the City of Darwin. The ECMP is to address how construction will be managed on the site, and is to include details of waste
management, traffic control and haulage routes, stormwater drainage and the use of City of Darwin land during 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.

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 land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage, and electricity services to the development shown on the endorsed plans 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. All new air conditioning condensors (including any condenser units required to be added or replaced in the future) 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.

10. Any new roof top plant equipment (such as vents and ducting associated with requirements for stairwell pressurisation or other such ventilation purposes or similar) that will be placed on the rooftop of the development shall be appropriately screened, or designed to soften the visual impact of such equipment from view from neighbouring or nearby developments (or developments reasonably anticipated).

11. All new 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.

12. Any new 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. Detail 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.

13. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land 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.

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 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.

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

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

5. It is noted that minor upgrades are proposed to the Spain Place façade. The landowner advised the consent authority that the Spain Place façade will be painted and the existing graffiti will be removed.

6. The City of Darwin advised the consent authority at the public hearing that a local rate pursuant to the Local Government (Darwin Parking Local Rates) Regulations will continue to be applicable to the land.

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 application proposes the refurbishment of an existing building including an increased building height and façade upgrades which is consistent with the primary purpose of Zone CB (Central Business) in providing for a diversity of activities including administrative, judicial, professional, office, entertainment, cultural, residential and retail and other business activities with a commitment to the separation of incompatible activities.
2. A variation to the requirements of Clause 6.3.3 (Urban Design Requirements in Central Darwin) to allow a reduced active street frontage along Spain Place is granted in this instance. The development includes the re-use an existing building and minimum upgrades are proposed to the Spain Place façade. Despite the limited activation along Spain Place, the proposal provides a 100% active street frontage to Knuckey Street.

3. Clause 6.3.3 also provides that Buildings in Central Darwin are to provide awnings to streets for the full extent of the site frontage that allow for the planting and growth of mature trees within the road reserve. The design includes one awning for 2/3 length of the Knuckey Street frontage, plus one additional high level awning for the full length of the Knuckey Street frontage at a width of 1.2m only. A variation to allow the awning to extend along only 2/3’s of the site frontage to Knuckey Street is appropriate in this instance as the positioning and length is considered integral to the overall design of the façade. The design of the awning will accentuate the double storey glass façade and entrance void and provide an uninterrupted view of the streetscape, and this design is considered preferable than the further extension of the awning along the frontage. Furthermore, the design of the awning will increase passive surveillance and add variety to the existing Knuckey Street streetscape.

4. A reduction in car parking pursuant to Clause 6.5.2 (Reduction in Parking Requirements) is considered appropriate in recognition of the existing land use; the level of cross-utilisation with the existing parking supply is expected to occur with existing uses in the Darwin CBD and the monetary contribution previously paid in lieu of the provision of 3 car parking spaces.

5. Pursuant to Section 51(p) of the Planning Act, the consent authority must take into consideration the broader public interest. 38 public submissions were received in support for the development.

6. The Development Consent Authority considers features of the building design including the angular architectural element to the Knuckey Street Façade to provide visual interest and assist in compliance with Clause 8.2 of the Northern Territory Planning Scheme. Removal of any of these building features within the road reserve would be considered a substantial change to the development and would likely require further consideration of the development by the Development Consent Authority at a full meeting of the Authority.

**ACTION:** Notice of Consent and Development Permit
Ms Sarah Schultz attended.

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 Units 7314 and 7320, Hundred of Bagot for the purpose of the change of use from warehouse to leisure and recreation (Unit 3), subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with drawing number 2016/0352/01 and 2016/0352/02, 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. Group dance classes must only be scheduled between the hours of 5:30-10pm Monday to Friday and anytime on weekends.

4. 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.

5. 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.

NOTES:

1. The applicant is advised to engage a building certifier, within the meaning of the Building Act, as to whether the building's comply with the Building Act and associated Regulations.

2. 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 proposal accords with the purpose of Zone SD31 (Specific Use Darwin 31), being “to facilitate the development of the site for commercial purposes which respond to constraints associated with the airport, such as aircraft noise and protected airspace”. ‘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 specific use of the subject tenancy as a dance studio is not a drop in centre, but rather operates scheduled group sessions, 5:30am to 9:30pm Mondays to Fridays, and on weekends. All other businesses on-site operate during standard business hours only. The applicant proposes to remove the internal loading bay, as it is not required, using the area in front of the roller door as an additional parking space. The applicant has obtained written agreements from other tenants and the site Body Corporate, permitting the dance studio exclusive afterhours access to a further 14 car parking bays. As the trading hours between the businesses on-site do not conflict, the dance studio will be occupying otherwise vacant bays. A total of 18 car parking bays are to be provided on-site (4 bays are allocated to Apartment 3 (including loading area) and 14 bays are by virtue of written arrangements with other occupants on the site for exclusive after hours use); overall 3 bays in excess of what is required by the scheme.

In summary, given the nature of the use, the availability of after-hours car parking within the complex, the proposal is not likely to create an undue demand on available car parking and a reduction in required parking pursuant to Clause 6.5.2 is considered appropriate.

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.

Provided that group dance classes are restricted to after regular business hours, the authority determined the use as appropriate for the site and unlikely to have an amenity impact on the surrounding area.

**ACTION:** Notice of Consent and Development Permit
That, pursuant to Section 53(a) of the Planning Act, the Development Consent Authority consent to the application to develop Section 7201 (96) Jessop Crescent, Hundred of Bagot, for the purpose of subdivision to create 3 lots, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), approval is required from the City of Darwin to confirm that the access arrangements proposed comply with the technical requirements of City of Darwin, 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 traffic impact assessment report is to be prepared by a suitably qualified traffic engineer with attention to the modelling of the adjacent intersection and the upgrade to the roundabout at the Jessop Crescent/Miles road intersection, and identifying any necessary upgrades to the surrounding street network to the requirements of the City of Darwin and the Department of Transport, to the satisfaction of the consent authority.

3. 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 Department of Land Resource Management (DLRM). All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the requirements of 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 www.austieca.com.au and the DLRM website: http://nt.gov.au/environment/soil-land-vegetation.

4. Prior to the commencement of works, 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.

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. All works recommended by the traffic impact assessment are to be completed to the requirements of the City of Darwin and the Department of Transport, to
the satisfaction of the consent authority.

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

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 on the plan of subdivision submitted for approval by the Surveyor General.

9. Engineering design and specifications for the affected roads, stormwater drainage, 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 constructed at the owner’s expense.

10. 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.

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 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. The subdivision is compliant with the requirements of Zone SD31 including with the minimum and average lot size, and is expected to allow for future development in accordance with the zone provisions. The lots will allow for the development of the range of intended land uses identified on the master plan endorsed through the original subdivision of Zone SD31.

2. 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 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 requirement for confirmation regarding the technical standards of the access arrangements, a schematic Stormwater plan, and a Traffic Impact Assessment Report to ensure that issues raised by City of Darwin and Department of Transport are properly assessed and managed for both the construction and operational stages of the development.

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

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<th>ITEM 6</th>
<th>SERVICE STATION</th>
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<tr>
<td>PA2016/0302</td>
<td>SECTION 7201 (96) JESSOP CRESCENT, HUNDRED OF BAGOT</td>
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<tr>
<td>APPLICANT</td>
<td>NORTHERN PLANNING CONSULTANTS PTY LTD</td>
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Mr Brad Cunnington (Northern Planning Consultants Pty Ltd), Mr Ray David (landowner), Mr Matthew Moss (Berrrimah North Developments) and Mr Ryan Krake (Jacobs Engineering) attended.

**RESOLVED**

147/16

That, pursuant to Section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Section 7201 (96) Jessop Crescent, Hundred of Bagot, for the purpose of a service station, subject to the following conditions:

**CONDITIONS PRECEDENT**

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), approval is required from the City of Darwin to confirm that the access arrangements proposed comply with the technical requirements of City of Darwin, 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 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 the landscape concept plan and must include a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity, and quantities of each plant. All species selected must be to the satisfaction of the consent authority.

3. 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 the modelling of the adjacent intersection and the upgrade to the roundabout at the Jessop Crescent/Miles road intersection, and identifying any necessary upgrades to the surrounding street network to the requirements of the City of Darwin and the Department of Transport, to the satisfaction of the consent authority.
4. 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 Department of Land Resource Management (DLRM). All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the requirements of 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 www.austieca.com.au and the DLRM website: http://nt.gov.au/environment/soil-land-vegetation.

5. Prior to the commencement of works, 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.

6. 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.

7. 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 how construction will be managed on the site, and is to include details of waste management, traffic control and haulage routes, stormwater drainage and the use of City of Darwin land during construction. The ECMP should include details of the location of the crane and any holding areas.

8. Prior to the commencement of works (including site preparation), 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.

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. All works recommended by the traffic impact assessment are to be completed to the requirements of the City of Darwin and the Department of Transport, to the satisfaction of the consent authority.

11. The development must be designed and constructed to comply with ‘AS2021:2000 Acoustics – Aircraft noise intrusion – Building siting and...
construction', and a statement from a suitably qualified acoustic engineer confirming compliance with AS2021:2000 must be submitted prior to occupation of the development, to the satisfaction of the consent authority.

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

13. 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.

14. 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.

15. All proposed works impacting on the Stuart Highway are to be designed, supervised and certified on completion by a practicing and registered civil engineer, and shall be in accordance with the standards and specifications of the Department of Transport. Drawings must be submitted to the Transport Infrastructure Planning Division of the Department of Transport for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".

16. 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.

17. The owner shall:
   (a) remove disused vehicle and/ or pedestrian crossovers;
   (b) collect stormwater and discharge it to the drainage network; and
   (c) 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.

18. 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.
19. Car spaces, access lanes and driveways must be kept available for these purposes at all times.

20. 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.

21. 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.

22. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the emission of noise, artificial light, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

23. 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.

24. 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.

25. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the consent authority.

26. No goods are to be stored or left exposed outside the building(s) so as to be visible from any public street.

27. 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 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.
3. 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.

4. The City of Darwin advises that all street trees shall be protected at all times during construction. Any tree on a footpath, which is damaged or removed during construction, shall be replaced, to the satisfaction of the General Manager Infrastructure, City of Darwin. 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”. Copies of AS 4970-2009 “Protection of Trees on Development Sites” can be obtained from the Australian Standards website.

5. The development and use hereby permitted should be designed, constructed, and operate in accordance with Australian Standards – AS 4976-2008 “The removal and disposal of underground petroleum storage tanks” and AS 4897-2008 “The design, installation and operation of underground petroleum storage systems”. Copies of AS 4976-2008 “The removal and disposal of underground petroleum storage tanks” and AS 4897-2008 “The design, installation and operation of underground petroleum storage systems” can be obtained from the Australian Standards website.

6. A permit to work within the Stuart Highway road reserve may be required from the Department of Infrastructure before commencement of any work within the road reserve.

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. 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.

9. The applicant is advised that the provision of lighting at the site is required to be consistent with the CASA Manual of Standards (MOS-139) Aerodromes to minimise the potential for conflict with aircraft operations. The design of lighting is a developer responsibility and if it is later found that lights or glare endangers the safety of aircraft operations, the Department of Defence or the Civil Aviation Safety Authority may require the lighting to be extinguished or suitably modified.
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 nature of the development is considered appropriate for the zone given the specific area requirements required for a service station. Specific use zone SD31 identifies land uses that may be developed within Areas A & B, and a service station is a form of development anticipated within Area A of Zone SD31.

2. 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 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 requirement for confirmation regarding the technical standards of the access arrangements, a schematic Stormwater plan, and a Traffic Impact Assessment Report to ensure that issues raised by City of Darwin and Department of Transport council are properly assessed and managed for both the constructions and operational stages of the development.

3. 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 or on other land, the physical characteristics of which may be affected by the development. Specific requirements of the Department of Defence and Darwin International Airport are included as conditions on the permit including in relation to acoustics, lighting, and building materials.

4. ACTION: Notice of Consent and Development Permit

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

DENIS BURKE
Chairman

14/7/16

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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.