DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 292 – FRIDAY 7 APRIL 2017

PRESENTATION SUITE
LEVEL 5
21 KITCHENER DRIVE
DARWIN WATERFRONT

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

APOLOGIES: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), Anthony Brennan, May Patterson and Amit Magotra (Development Assessment Services)Sherry Cullen (Lands Planning)

COUNCIL REPRESENTATIVE: David Burrow (Planner, all items) and Mr James Whyte (Items 4 & 5 only)

Meeting opened at 9.45 am and closed at 12 noon
ITEM 1
SUBDIVISION TO CREATE 2 LOTS
PA2017/0070
LOT 831 (6) CHAPMAN ROAD, TOWN OF NIGHTCLIFF
APPLICANT
ALEXANDROS KARANIKOLAS

Mr Alexandros Karanikolas (landowner and applicant) attended.

RESOLVED
55/17
That, the Development Consent Authority, vary the requirements of Clauses 11.1.1 (Minimum Lot Size Requirements) and 11.2.3 (Lot Size and Configuration in Residential Subdivision) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application to develop Lot 0831 (6) Chapman Road, Town of Nightcliff for the purpose of subdivision to create two lots, subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with drawing 2017/0070/01 endorsed as forming part of this permit.

2. All existing and proposed easements for required utility services must be vested in the relevant authority for which the easement is to be created on the plan of subdivision submitted for approval by the Surveyor General.

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

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

5. 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.

6. 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.

7. 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.

8. Prior to Part V clearance being issued, the existing dwelling on the lot is to be removed to the satisfaction of 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 NBN has advised that all developments to be registered at least 3 months before civil works commence.

3. As part of any subdivision, the parcel numbers for addressing should comply with the Australian Standard (AS/NZ 4819:2011). For more information contact Survey and Land Records surveylandrecords@nt.gov.au 08 8995 5354. The numbers shown on the plans endorsed as forming part of this permit are indicative only and are not for addressing purposes.

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 0831 Town of Nightcliff is identified within Zone SD (Single Dwelling Residential) of the Northern Territory Planning Scheme. The purpose of Zone SD is to provide for low-density urban residential development. The proposal is considered to be consistent with the purpose of the clause as the subdivision will facilitate future development of single dwellings having a low density urban residential character.

A variation to Clause 11.1.1 (Minimum Lot Sizes and Requirements) of the Northern Territory Planning Scheme is granted as it is considered that the proposed allotment areas are capable of accommodating potential future uses due to following reasons:

- The proposed allotment areas of 783m² are only 2.12% below the lot size requirement of 800m² in Zone SD (Single Dwelling Residential);
- The subject site has minimal slope and no unstable or otherwise unsuitable soils have been identified as part of this assessment, and there are no known significant natural or cultural features within the subject site;
- The land is not affected by either Primary or Secondary storm surge areas and is therefore not affected by a 1% AEP flood;
- No objections were received from service authorities regarding servicing or stormwater management; and
- Whilst there no specific minimum frontage requirements to a public road for single dwelling with a site area above 600m² within Zone SD, the proposed frontage of 10.14m to Chapman Road is considered adequate to provide future vehicle access via a single
3.5m driveway for each lot without compromising the provisions of Northern Territory Planning Scheme in Zone SD.

A Variation to Clause 11.2.3 (Lot Size and Configuration in Residential Subdivision) to allow a subdivision that does not satisfy the minimum building envelope requirement is granted due to following reasons:

- The lots are considered to be of sufficient size and configuration to each allow for the future construction of a single dwelling, including for vehicle access, on-site parking and ancillary buildings;
- While not meeting the building envelope dimensional requirements the building envelope area exceeds the minimum requirement of 289m² exclusive of any boundary setbacks or easements and is considered adequate for the construction of a single dwelling;
- Provided the future dwellings are designed in accordance with the NTPS, it is considered that they will be sympathetic to the character of the surroundings and will not impact negatively on the amenity of the area.

2. Pursuant to Section 51(e) of the Planning Act, the consent authority must take into consideration any public submissions made under section 49, and any evidence or information received under section 50, in relation to the development application. Four public submissions were received with respect to the proposal. The submissions were largely concerned with the traffic implications on Chapman Road, the precedent effect of the proposal, increased demand on the infrastructure and loss of character and amenity of the surrounding areas.

The application has been considered with regard to relevant considerations under section 51 of the Planning Act. In relation to the traffic impacts it is considered that the addition of one residential allotment is unlikely to have any material impact on the traffic of surrounding roads. Comments received from the service authorities raised no objections to the proposal. The proposed subdivision does not change the zoning of the lots, and the development of future dwellings on the lots would require compliance with the requirements of setbacks, density, parking and height of buildings in Zone SD. The authority considers that the lots are of a size, configuration and orientation suitable for residential purposes.

3. Pursuant to Section 51 (m) of the Planning Act, the consent authority must consider the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose.

The application was circulated to the relevant authorities and comments received from these authorities are addressed by the inclusion of conditions on the development permit.
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.

No site constraints have been identified that would prevent or impact the subdivision.

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

**ITEM 2**  
**PA2017/0077**  
**APPLICANT** RAW DESIGNS

Lot 1211 (13) Lambell Terrace, Town of Darwin

Mr Robert Watt (Raw Designs) and Mr Israel Kgosiemang (One Planning Consult) attended.

Mr Kgosiemang tabled a plan showing the proposed treatment of the street frontage.

Submitter Mr David Bridgman sent his apologies.

**RESOLVED**  
**56/17**

That, pursuant to Section 53(a) of the Planning Act, the Development Consent Authority consent to the application to develop Lot 1211 (13) Lambell Terrace, Town of Darwin for the purpose of subdivision to create three lots, subject to the following conditions:

**CONDITIONS PRECEDENT**

1. Prior to the commencement of works (including site preparation), a schematic plan demonstrating the on-site collection of stormwater and its discharge into the 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 underground to the system.

2. 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 demolition 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.

3. 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.
4. Prior to the commencement of works (including site preparation), a traffic engineers’ assessment report detailing adequate sightlines for pedestrians, cyclists and vehicles in regard to the proposed crossovers shall be submitted to and approved by City of Darwin to the satisfaction of the consent authority.

GENERAL CONDITIONS

5. The works carried out under this permit shall be in accordance with the drawing numbered 20167/0077/01 and 2017/0077/02 endorsed as forming part of this permit.

6. All existing and proposed easements for required utility services must be vested in the relevant authority for which the easement is to be created on the plan of subdivision submitted for approval by the Surveyor General.

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

8. Soil erosion control and dust control measures must be employed throughout the construction stage of the development 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 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.

11. 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.

12. Prior to Part V clearance being issued, the developer is to provide written advice from Power and Water Corporation confirming that the existing easement on the site has been deleted to the requirements of PWC, to the satisfaction of the consent authority.

13. Prior to Part V clearance being issued, the existing dwelling on the lot is to be removed to the satisfaction of 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

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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.
requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

2. As part of any subdivision, the parcel numbers for addressing should comply with the Australian Standard (AS/NZ 4819:2011). For more information contact Survey and Land Records surveylandrecords@nt.gov.au 08 8995 5354. The numbers shown on the plans endorsed as forming part of this permit are indicative only and are not for addressing purposes.

3. Designs and specifications for landscaping of the road verges adjacent to the property shall be submitted for approval by the General Manager Infrastructure, City of Darwin and all approved works shall be constructed at the applicant’s expense, to the requirements of City of Darwin.

**REASONS FOR THE DECISION**

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

   The proposal is consistent with the relevant clauses of the Northern Territory Planning Scheme for subdivision in Zone MD (Multiple Dwelling Residential), including the minimum lot size, the minimum building envelope requirements, and the minimum frontage requirements. The lots are considered to be of sufficient size and configuration to allow for the future construction of a single dwelling, including for vehicle access, on-site parking, private open space, and to provide for habitable rooms facing the street.

2. Pursuant to Section 51(e) of the *Planning Act*, the consent authority must take into consideration any public submissions made under section 49, and any evidence or information received under section 50, in relation to the development application. One public submission was received with respect to the proposal.

   The submission did not object to the subdivision as such but rather raised concerns about future development on the new lots. The application has been considered with regard to relevant considerations under section 51 of the *Planning Act* and the lots are considered to be of a size, configuration and orientation suitable for residential purpose. Regarding future development of the lots it is noted that single dwellings are a permitted use within Zone MD of the Northern Territory Planning Scheme subject to compliance with all of the provisions of the Scheme. Any future development proposal which does not comply with the Scheme will require the consent of the Development Consent Authority.

3. Pursuant to Section 51 (m) of the *Planning Act*, the consent authority must consider the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for

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those facilities, infrastructure or land to be provided by the developer for that purpose.

The application was circulated to the relevant authorities and comments received from these authorities are addressed by the inclusion of conditions on the development permit.

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.

No site constraints have been identified that would prevent or impact the subdivision.

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

**ITEM 3**
**PA2017/0064**
**CARPORT ADDITION TO EXISTING SINGLE DWELLING WITH A REDUCED FRONT SETBACK**
**LOT 1275 (65) MATTHEWS ROAD, TOWN OF SANDERSON**

**APPLICANT**
**NAC PTY LTD**

Mr Michael Kuhn (NAS Pty Ltd) and Mr Mark Motlop (landowner) attended.

**RESOLVED**
**57/17**

That, the Development Consent Authority vary the requirements of Clause 7.3 (Building Setbacks of Residential Building and Ancillary Structures) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application to develop Lot 1275 (65) Matthews Road, Town of Sanderson for the purpose of a carport addition to existing single dwelling with a reduced front setback, 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) A revised front setback increased by an additional 500 millimetre to now measure a distance of 2.35 metres to 2.95 metres from the front boundary.
   (b) Landscaping to be retained at the front of the site.

2. Prior to the commencement of works (including site preparation), a Schematic Plan demonstrating that stormwater run-off is capable of being discharged across the lot surface to the main drainage system or to an approved alternate
connection is to be provided to the requirements of the City of Darwin to the satisfaction of the consent authority.

3. 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

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

5. 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.

6. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.

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 may be required from the City of Darwin before commencement of any work within the road reserve.

4. 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.

REASONS FOR THE DECISION

1. Pursuant to Section 51(a) of the Planning Act, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.
The purpose of Zone SD (Single Dwelling Residential) is to provide for single dwellings on individual lots. Lot 01275, Town of Sanderson is within Zone SD zoned land and is surrounded by lots predominantly zoned SD of the Northern Territory Planning Scheme. As the proposed carport is considered an ancillary structure to the existing single dwelling it is considered that the proposal is consistent with the purpose of the zone.

A variation to Clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) of the Scheme is granted as:

- the side setback on the north eastern boundary maintains a 1.5 metre setback, which complies with current setback requirements;
- when viewed from adjoining land, on the south western boundary, the proposed carport is screened from view by means of existing dense vegetation along the boundary which exceed the height of the boundary fence and assist with the ongoing screening to prevent overlooking to the adjoining property;
- when viewed from the street boundary, the dwelling benefits from existing vegetation and established trees along the front boundary which provides a level of screening especially when viewed from north eastern aspect;
- the carport is not a habitable room and therefore no issues of undue overlooking of adjacent properties is anticipated;
- the carport is an open structure and will not affect the breeze penetration through and between the existing buildings;
- the established landscaping within the front setback provides ample screening to the proposed structure and alleviates potential building bulk and scale impact to the Matthews Road streetscape;
- the proximity of the park to the north eastern boundary and the school on the southern boundary is not considered to be detrimentally impacted by the carport;
- the premises benefits from the existing wider than standard road verge; and
- when considered in context of the above, the carport encroachment of between 2.15m and 1.55m metres is considered to be minor and the proposal remains consistent with the purpose of the clause.

2. City of Darwin advises it is the sole authority responsible under the Local Government Act and associated by-laws for stormwater drainage and as such has requested details of the collection and discharge of stormwater for this proposal.

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 land is zoned to accommodate the proposed ancillary structure carport development in that the development is considered to meet the purpose of Zone SD (Single Dwelling) in providing for low density urban
residential development. The proposed development is considered to be consistent with the provisions of the zone.

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

**ITEM 4**

**CHANGE IN USE OF LEVEL 16 FROM A SERVICED APARTMENT TO A FUNCTION AREA**

UNIT 9915 APT 1601 & UNIT 9916 COMMON PROPERTY (6) CAREY STREET, TOWN OF DARWIN

**APPLICANT**

ELTON CONSULTING

Pursuant to Section 97 of the *Planning Act*, Mr Bob Elix, a member of the Darwin Division of the Development Consent Authority declared a conflict of interest and was not present and did not take part in any deliberation or decision of the division on this item.

Mr Martin Klopper (Elton Consulting) via phone and Mr Frank Eyndhoven (Elton Consulting) attended.

Mr Frank Eyndhoven tabled a copy of a lease “Commercial & Industrial Property Short Term Lease maximum three year lease” and a document from Ramada Suites in relation to the application – car parking, management of functions.

**RESOLVED**

58/17

That, the Development Consent Authority determine to reduce the car parking requirements from 227 parking bays to 216 parking bays pursuant to Clause 6.5.2 (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 9916 (Body Corporate) and 9915 (Apartment 1601) (6) Carey Street, Town of Darwin, for the purpose of a change of use of level 16 from a serviced apartment to a function area, subject to the following conditions:

**CONDITIONS PRECEDENT**

1. Prior to the endorsement of plans, 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 the total number of motorcycle bays currently provided on site.

**GENERAL CONDITIONS**

2. Works carried out under this permit shall be in accordance with drawings endorsed as forming part of this permit.

3. The use must be conducted in accordance with the endorsed Parking and Traffic Management Plan at all times.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities and electricity services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

5. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.

6. 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. 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 Nomination Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Building should be contacted via email (info@ntbuild.com.au) or by phone (08 8936 4070) to determine if the proposed works are subject to the Act.

3. 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.

REASONS FOR THE DECISION

1. Pursuant to section 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 a use (function area associated with serviced apartments) 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 reduction in the parking required by Clause 6.5.1 (Parking Requirements) through the provisions of Clause 6.5.2 (Reduction in Parking Requirements) from 227 car parking bays to 216 parking bays can be supported as:

   • The multiple dwelling residential component of the existing development is provided with exclusive parking and is therefore fully compliant with the Northern Territory Planning Scheme provisions;
• The applicant has provided occupancy rates for the serviced apartment component which indicates that the function area is unlikely to cause car parking issues unless a scenario of peak occupancy and peak demand by guests for car parking occurs simultaneously;
• The Parking and Traffic Management Plan to be endorsed as part of this permit is considered capable of managing any overflow parking generated as a result of the function room and peak occupancy/demand periods.

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

One public submission was received which raised concerns with the potential effect on the amenity of surrounding land with regard traffic and parking as well as management issues beyond the scope of the Northern Territory Planning Scheme. Provided the measures included in the submitted Parking and Traffic Management Plan are implemented effectively, it is unlikely that a loss of amenity will occur as a result of the development.

4. 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 Parking and Traffic Management Plan was circulated to City of Darwin for comment and the issues raised are considered to be adequately addressed by conditions on the permit.

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

**ITEM 5**
**PA2017/0002**

**CONCURRENT APPLICATION - REZONE PART SECTION 4224 HUNDRED OF BAGOT FROM ZONE PS (PUBLIC OPEN SPACE) TO U (UTILITIES), AND SUBDIVISION TO CREATE ONE LOT SECTION 4224 (60) FITZMAURICE DRIVE, HUNDRED OF BAGOT**

**APPLICANT**

POWER AND WATER CORPORATION

Mr Kevin Dodd (Earl James & Associates) and Mr Eric Vanweydeveld (Water Services, PowerWater Corporation) attended.

Submitters Mr Les Oppermann, Mr Kingi Te Aho, Ms Athena Rossides and Mr Andrew Rossides attended.
Pursuant to section 30P(1)(a), the consent authority make a preliminary decision that, if the Minister were to approve the amendment proposal to rezone Section 4224 Hundred of Bagot (60) Fitzmaurice Drive, Leanyer that it would likely approve the development proposal seeking consent for the purpose of subdivision to create one lot, subject to necessary and appropriate conditions relating to:

1. Works carried out under this permit shall be in accordance with drawings endorsed as forming part of this permit.

2. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage and electricity facilities to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

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. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for approval by the Surveyor General.

5. The applicant is to present confirmation that agreements are in place with the Northern Territory Government, or another body, for the ongoing maintenance of the mosquito eradication drains transecting the site, to the satisfaction of the consent authority. Maintenance procedures are to give consideration to the requirements of the Department of Health's Medical Entomology Division, with regard to minimising the potential for mosquito breeding habitats to be created.

NOTES:

1. There are statutory obligations under the Weeds Management Act to take all practical measures to manage weeds on the property. For advice on weed management please contact the Department of Environment and Natural Resources.

REASONS FOR THE DECISION

1. Pursuant to sections 30P(2)(a) and (b) of the Planning Act, the consent authority must take into account any planning scheme that applies to the land to which the application relates and the amendment proposal contained within the application.

The proposal accords with the policy for future development of the locality as established by the Darwin Regional Land Use Plan. The subdivision allows the site to be amalgamated with an existing waste water treatment facility, ensuring that necessary upgrades can be undertaken for the continued operation of a significant piece of subregional infrastructure. There are no specific subdivision requirements
for Zone U (Utilities) land, and the proposal is considered to be fully compliant with the planning scheme if the site was in Zone U (Utilities).

Section 4224 Hundred of Bagot currently comprises a series of mosquito eradication drains. It is a condition of the subdivision that an agreement is reached with the Northern Territory of Australia, in consultation with Medical Entomology Branch, Department of Health to ensure access for maintenance of these drains remains protected.

2. Pursuant to Section 30P(2)(j) of the Planning Act, the consent authority must take into consideration the capability of the land to support the development proposal and the effect of the proposal on the land, and on other land, the physical characteristics of which may be affected by the proposal;

The site is impacted by Primary (PSS) and Secondary (SSS) Storm Surge. As the proposed subdivision is for administrative purposes only (ie. not requiring any on-ground works), the Department of Environment and Natural Resources (DENR) have advised that, whilst no Erosion and Sediment Control Plan (ESCP) is required for the current application, due to the size (approximately 9.2ha) and location (close proximity to Buffalo Creek) any future development works (other than exempt utilities works) will require the submission of an ESCP.

3. Pursuant to Section 30P(2)(i) of the Planning Act, the consent authority must take into consideration the merits of the development proposal as demonstrated in the application;

The creation of the new parcel will allow the Power and Water Corporation to extend infrastructure associated with its waste water treatment facility and to ensure that a buffer is maintained between its facility and the adjacent residential uses.

4. Pursuant to Section 30P(2)(m) 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 applicant (Power and Water Corporation) have advised that the existing odour buffer will not change on-site, and if any works were to occur that would potentially increase the odour impact upon nearby residences, they have their own procedures in place to ensure adequate public consultation and adherence to impact mitigation strategies.

RESOLVED

60/17

That under section 30Q of the Planning Act, the consent authority report to the Minister for Infrastructure, Planning and Logistics advising of the likely decision in relation to the development proposal, issues raised in the submissions, issues raised at the hearing and any other matters it considers the Minister should take into account when considering the amendment proposal.

ACTION:

Report to the Minister
RESOLVED
61/17

That, pursuant to section 86(1) of the Planning Act, the Development Consent Authority delegates its powers to the Chairman or in the absence of the Chairman any one of the other members of the Darwin Division the power to:

- determine pursuant to Section 30W(1)(a) to consent to the development proposal contained in the concurrent application and consent to the concurrent application after receipt of a notice under Section 30U(1) that the Minister has approved the amendment proposal contained in the application;
- issue a development permit under section 54(1) in relation to the development proposal over Section 4224 Hundred of Bagot (60 Fitzmaurice Drive) to subdivide to create one lot; and
- issue the relevant notices under Section 30Y.

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

DENIS BURKE
Chairman

13/4/17