



**DEVELOPMENT CONSENT AUTHORITY**

**DARWIN DIVISION**

**MINUTES**

**MEETING No. 309 – FRIDAY 16 FEBRUARY 2018**

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

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

**APOLOGIES:** Nil

**OFFICERS PRESENT:** Margaret Macintyre (Secretary), Sarah Silva, Amit Magotra and Ben Wollinski (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Apology

**Meeting opened at 9.30 am and closed at 10.15 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**                    **RECONSIDERATION - CARPORT ADDITION TO AN EXISTING SINGLE**  
**PA2017/0303**            **DWELLING WITH REDUCED**  
                                 **FRONT AND SIDE SETBACKS**  
**APPLICANT**           **LOT 1770 (85) CURLEW CIRCUIT, TOWN OF SANDERSON**  
                                 **NAC PTY LTD**

Mr Michael Kuhn (NAC Pty Ltd) and Mr Rodney Patterson (Landowner) attended.

**RESOLVED**            That, the Development Consent Authority vary the requirements of Clause 7.3  
**15/18**                    (Building Setbacks of Residential Buildings 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 1770 (85) Curlew Circuit, Town of  
                                 Sanderson for the purpose of a carport addition to an existing single dwelling with  
                                 reduced front and side setbacks, subject to the following conditions:

**CONDITION 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 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 drawing number 2017/0303/01, endorsed as forming part of this permit.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity facilities to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the City of Darwin 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 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.

## NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites 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.
3. City of Darwin advises that 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.
4. City of Darwin advises that the location, design and specifications for proposed and affected crossovers shall be provided at the applicant's expense, to the satisfaction 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 NT Planning Scheme applies to the land. Lot 1770 Town of Sanderson is identified within Zone SD (Single Dwelling Residential) of the NT Planning Scheme and is surrounded by lots predominantly developed as single dwellings. The primary purpose of Zone SD is to provide for single dwellings on individual lots. As the carport is considered ancillary to the existing single dwelling it is considered that the proposal is consistent with the purpose of the zone.

2. Pursuant to Clause 2.5 (Exercise of Discretion by the Consent Authority) of the Northern Territory Planning Scheme the Authority may consent to a development that does not meet the standard set out in Part 4 and 5 of the Planning Scheme where it is satisfied that special circumstances justify the granting of consent.

The proposal presents a non-compliance with Clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) of the NT Planning Scheme. It is noted that the proposal accords with other applications in which the Authority has issued a variation to the setback requirement for open structures such as carports.

A variation to Clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) is supported for the following reasons:

- The existing mature landscaping along the front and western side boundary of the site will assist in lessening the visual impact of the development from the street and adjoining land;
- The placement of the existing dwelling on site restricts opportunities for the carport to be fully compliant with the minimum building setback requirements;
- The development complies with all other performance criteria under Part 4 of the NT Planning Scheme; and
- The carport being an open structure will not affect the breeze penetration through and between the buildings.

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

The proposed development is unlikely to impact on the character of the surrounding area as it is a type of structure that is reasonably anticipated within residential areas. Further provided that stormwater will be appropriately managed on site without impacting on surrounding residential areas and disposed of into Councils stormwater drainage system, no adverse impact on the surrounding land is anticipated.

The existing mature landscaping along the front and western side will minimise the visual impact of development when viewed from adjoining land and the street. A condition requiring that the landscaping to be maintained is recommended on the permit to ensure that there is no loss of future amenity.

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

**ITEM 2**  
**PA2013/0538**  
**APPLICANT**

**EXTENSION OF TIME**  
**LOT 1622 (4) CAREY STREET, TOWN OF DARWIN**  
**BERNIE O'CONNELL**

Mr Bernie O'Connell sent his apologies.

Mr Vince Albertoni (Gwelo) attended on behalf of the applicant.

Mr Albertoni requested an extension of time of an additional period of 3 years instead of the additional period of 2 years originally applied for in the development application, citing poor market conditions for the extension.

**RESOLVED**  
**16/18**

That, pursuant to section 59(3)(a) of the *Planning Act*, the Development Consent Authority consent to the application for an extension of time to Development Permit DP13/0743 for the purpose of 9 x 1 bedroom, 312 x 2 bedroom and 1 x 3 bedroom multiple dwellings in a 28 storey building including car parking on the ground, first, second, third and fourth levels and 1 x level of basement car parking at Lot 1622 (4) Carey Street, Town of Darwin, for an additional period of three years.

**ACTION:** Extension of Time

**ITEM 3  
PA2017/0566**

**TRANSPORT TERMINAL INCLUDING WORKSHOP, LABORATORIES,  
STORAGE AREAS AND OFFICE SPACE  
SECTION 7202 (56) JESSOP STREET, HUNDRED OF BAGOT  
MODE DESIGN CORP PTY LTD**

**APPLICANT**

Ms Sarah Hubbard (Mode Design Corp Pty Ltd) and Mr Mathew Moss (Dixon Group) attended.

**RESOLVED  
17/18**

That the Development Consent Authority, vary the requirements of Clause 9.1.1 (Industrial Setbacks) of the NT Planning Scheme and, pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Section 7202 (56) Jessop Crescent, Hundred of Bagot for the purpose of a transport terminal including workshop, laboratories, storage areas and office space, subject to the following conditions:

**PRECEDENT CONDITIONS**

1. Prior to the commencement of works (including site preparation), the applicant is to prepare a comprehensive landscape plan of the road reserve adjacent to the property. The plan shall include the location of street trees and all other infrastructure, to the requirements of City of Darwin, to the satisfaction of the consent authority.
2. Prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the local 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 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.
3. Prior to the commencement of works, a Construction Environmental Management Plan (CEMP) for the management and operation of the use must be prepared to the requirements of an independent suitably qualified professional and submitted to and approved by the consent authority upon the advice of the City of Darwin. When approved, the CEMP will be endorsed and will then form part of the permit. The use must at all times be conducted in accordance with the endorsed plan. The CEMP must include:
  - (a) waste management;
  - (b) traffic control;
  - (c) haulage routes;
  - (d) stormwater drainage;
  - (e) use of City of Darwin land; and
  - (e) day to day management requirements for the use.
4. Prior to the commencement of works (including site preparation), a Waste Management Plan demonstrating:
  - waste disposal, storage and removal in accordance with City of Darwin's Waste Management Policy 054; and
  - measures to ensure that waste is managed and stored so as not to attract birds.This plan shall be submitted to and approved by the City of Darwin and the Darwin International Airport, to the satisfaction of the consent authority.

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.
6. Prior to the commencement of works, an Erosion and Sediment Control Plan (ESCP) is to be submitted to and approved by the Consent Authority on the advice of the Department of Environment and Natural Resources (DENR). The ESCP should detail methods and treatments for minimising erosion and sediment loss from the site during the construction phase and that all disturbed soil surfaces must be satisfactorily stabilised against erosion at completion of works. The IECA Best Practice Erosion and Sediment Control Guidelines 2008 may be referenced as a guide to the type of information, detail and data that should be included in an ESCP. Information regarding erosion and sediment control and ESCP content is available at [www.austieca.com.au](http://www.austieca.com.au) and the NTP website: <https://nt.gov.au/environment/soil-land-vegetation>. The ESCP should be emailed for assessment to: [DevelopmentAssessment.DENR@nt.gov.au](mailto:DevelopmentAssessment.DENR@nt.gov.au).

### **GENERAL CONDITIONS**

7. The works carried out under this permit shall be in accordance with the drawings numbered 2017/0566/01 through to 2017/0566/11 endorsed as forming part of this permit.
8. The use and/or development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
9. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
10. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities, electricity, and telecommunication networks to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
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. All works relating to this permit are to be undertaken in accordance with the approved Erosion and Sediment Control Plan (ESCP) to the requirements of the Consent Authority on the advice of the Department of Environment and Natural Resources (DENR).
13. The development must be designed and constructed to comply with AS2021-2015 '*Acoustics – Aircraft noise intrusion – Building siting and construction*' (AS2021), and a statement from a suitably qualified acoustic engineer confirming compliance with AS2021-2015 must be submitted prior to occupation of the development, to the satisfaction of the consent authority.

14. 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.
15. Before the use or occupation of the development starts, the areas 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.
16. 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.
17. No goods are to be stored or left exposed outside the buildings so as to be visible from any public street
18. External lights must be designed, baffled and located to the satisfaction of the consent authority to prevent any adverse effect on adjoining land, roads, and on the operation of the RAAF Base Darwin and Darwin International Airport.
19. Building materials must be selected so as to not create reflective glare for aircraft operations.
20. 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.
21. 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.
22. 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 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, to the satisfaction of the consent authority.

23. All 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), 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. 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.
26. Access to the development site from the proposed 'Berrimah North Connector Road to Amy Johnson Avenue' and any works impacting on this road reserve shall be to the standards and requirements of the Land Development Unit, Department of Infrastructure, Planning and Logistics and/or the City of Darwin, to the satisfaction of the consent authority.
27. 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.
28. The loads of all trucks entering and leaving the site of works are to be constrained in such a manner as to prevent the dropping or tracking of materials onto streets. This includes ensuring that all wheels, tracks and body surfaces are free of mud and other contaminants before entering onto the sealed road network. Where tracked material on the road pavement becomes a potential safety issue, the Developer will be obliged to sweep and clean material off the road.
29. Prior to the commencement of the use approved by this permit Lots 85, 86, 72 and 73 must be consolidated and a new title issued for the consolidated lot, to the satisfaction of the consent authority. A Certificate of Compliance will not be issued for this development until Part V clearance has been issued for the new lot.

**NOTES:**

1. An Occupancy Permit under the *Building Act* shall not be granted until such time as a new title is issued in respect of the subject site.
2. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to Council.
3. 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 onsite and/or surrounding infrastructure.

4. The NT EPA advises that there are obligations to comply with section 12 *Environmental Assessment Act* and the *Waste Management and Pollution Control Act (WMPC Act)*. Guidelines are available at <https://ntepa.nt.gov.au/waste-pollution/guidelines/guidelines>.
5. The site is subject to "The Defence Areas Control Regulations" (DACR). An application must be submitted to the Department of Defence and Darwin International Airport for any structures (including temporary structures) higher than 15m above ground level including, but not limited to, additional buildings, light poles, cranes used during construction, vegetation etc.
6. External lighting installed as part of the development is to consider section 9.21 "Lighting in the Vicinity of Aerodromes" of the CASA Manual of Standards Part 139, available at: <http://www.comlaw.gov.au/Details/F2014C01301>.
7. 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.
8. If you choose nbn to service your development, you will need to enter into a development agreement with nbn. The first step is to register the development via <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html> once registered nbn will be in contact to discuss the specific requirements for the development. Nbn requires you to apply at least 3 months before any civil works commence. All telecommunications infrastructure should be built to nbn guidelines found at <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/buildersdesigners.html>.
9. 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*.
10. Any variation to the subdivision approved by DP15/0813 may result in the need to obtain additional planning approvals for this development. Please contact Development Assessment Services on 8999 6046 or [das.ntg@nt.gov.au](mailto:das.ntg@nt.gov.au) for further advice.

## 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. 2.4 Specific Use Darwin No. 42 Part Portion 2235, Hundred of Bagot (651 Stuart Highway, Berrimah).

The purpose of this zone is to facilitate the development of the land for light industrial purposes that minimise the impacts from exposure to aircraft noise, and that does not inhibit the operation of the Darwin International Airport.

The subject site is located within Area A of Zone SD42.

The proposed use is for a Transport Terminal for the Department of Primary Industry and Resources and includes an ancillary workshop, laboratories, storage areas and office space. If assessed within Zone LI (Light Industry) of the NT Planning Scheme, a Transport Terminal would be a permitted use subject to compliance with the relevant clauses of the NT Planning Scheme. For that reason, it is considered that the development is in accordance with the intent of Zone SD42; to facilitate the development of the land for light industrial purposes that minimise the impacts from exposure to aircraft noise, and that does not inhibit the operation of the Darwin International Airport. Conditions of development can be applied to ensure the operation of the airport is not affected.

It is noted that the application includes an Aircraft Noise Assessment Report. Darwin International Airport (DIA) have responded to the application and advised that aircraft noise is acknowledged in the report together with suggested acoustic treatments. The report however considers Boeing 737 and light aircraft and not military aircraft which can produce considerably more noise although. DIA do confirm however that:

- the site is just outside the ANEF Zone 20 so does not present any issue with AS2021-2015 and;
  - the proposed buildings demonstrate that they will be constructed to comply with any applicable height provisions set out in the Defence (Areas Control) Regulations 1989, as required by Zone SD42.
2. Pursuant to Clause 2.5 (Exercise of Discretion by the Consent Authority) of the Northern Territory Planning Scheme the Authority may consent to a development that does not meet the standard set out in Part 4 and 5 of the Planning Scheme where it is satisfied that special circumstances justify the granting of consent.

#### Clause 9.1.1 - Industrial Setbacks

A variation to Clause 9.1.1 (Industrial Setbacks) to allow for a reduced setback to the western side boundary is supported for the following reasons:

- Clause 9.1.1 (Industrial Setbacks) requires a minimum setback of 5m from at least one side boundary and the rear boundary. The subject lot has 3 street frontages and technically only one side boundary and no rear boundary;
- The development exceeds all other setback requirements;
- The site has an irregular configuration.

For the reasons above, compliance with Clause 9.1.1 (Industrial Setbacks) is difficult to achieve.

A variation to Clause 9.1.1 (Industrial Setbacks), to allow for reduced landscaping to the southern road frontage, is supported as the development has three road frontages and the affected section of the southern boundary is relatively small. The landscaping is fully compliant to all other boundaries; the variation is considered relatively minor overall; and will allow for more effective operation of the site, given the specific nature of the proposed use.

3. 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. Conditions precedent on the development permit require landscaping within the road reserve, a construction management plan, a waste management plan, a stormwater management plan; and a dilapidation report. It is anticipated that these measures, combined with standard conditions relating to the connection and upgrade of utility services and the provision and treatment of easements, are expected to ensure that the land is developed in accordance with physical capabilities, to address concerns raised by service authorities, and to ensure that utility and infrastructure requirements are appropriately addressed.

It is noted that condition 29 requires that, prior to the commencement of the use approved by this permit, Lots 85, 86, 72 and 73 must be consolidated and a new title issued for the consolidated lot, to the satisfaction of the consent authority. A Certificate of Compliance will not be issued for this development until Part V clearance has been issued for the new lot. This approval for the development is in no way an indication that any future subdivision/consolidation application will be approved and the applicant has been advised of the associated risks in lodging a development application prior to obtaining approval for the subdivision and consolidation of the subject lots.

It is further noted that services authorities have advised that clearances for this development will not be provided until Part V has been issued for the subdivision approved by DP15/0813. Any variation to the subdivision approved by DP15/0813 may result in the need to obtain additional planning approvals for this subject development.

4. 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 the applicant adheres to all recommended conditions, the proposed use is considered appropriate for the site and unlikely to have an unreasonable amenity impact on the surrounding area.

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

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

**SUZANNE PHILIP**  
**Chair**

19 February 2018