

DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 371 – FRIDAY 9 APRIL 2021

**BROLGA ROOM
NOVOTEL DARWIN CBD
100 THE ESPLANADE
DARWIN CITY**

MEMBERS PRESENT: Marion Guppy (Presiding Member) Mark Blackburn and Simon Niblock

APOLOGIES: Suzanne Philip (Chair) and Peter Pangquee

LEAVE OF ABSENCE: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), Ann-Marie Reynolds and Amit Magotra (Development Assessment Services)

COUNCIL REPRESENTATIVE: Conneil Brown

Meeting opened at 10.00 am and closed at 10.45 am

THE MINUTES RECORD OF THE EVIDENTIARY STAGE AND THE DELIBERATIVE STAGE ARE RECORDED SEPARATELY. THESE MINUTES RECORD THE DELIBERATIVE STAGE. THE TWO STAGES ARE GENERALLY HELD AT DIFFERENT TIMES DURING THE MEETING AND INVITEES ARE PRESENT FOR THE EVIDENTIARY STAGE ONLY.

That, pursuant to section 101(3) of the *Planning Act 1999*, in the Chair's absence the members of the Darwin Division of the Development Consent Authority elect Marion Guppy to preside at the meeting on Friday 9 April 2021.

ITEM 1

PA2021/0044 SUBDIVISION TO CREATE THREE LOTS

LOT 11847 (15) FUHRMANN STREET, MUIRHEAD, TOWN OF NIGHTCLIFF

APPLICANT Northern Planning Consultants

Mr Brad Cunnington (Northern Planning Consultants) and Mr Andrew Rock (Director Zest DCA) attended.

Submitter:- Mr David Leck attended.

**RESOLVED
36/21**

That, pursuant to section 53(a) of the *Planning Act 1999*, the Development Consent Authority consent to the application to develop Lot 11847 (15) Fuhrmann Street, Town of Nightcliff for the purpose of subdivision to create three 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), in principle approval is required for the crossovers and driveways to the site from the City of Darwin road reserve, to the satisfaction of the consent authority.
2. Prior to the commencement of works (including site preparation), an engineered plan completed by a suitably qualified civil engineer 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, Council's stormwater drain connection point/s, whether easements are required for the purposes of stormwater drainage over the lots and underground connection details.

GENERAL CONDITIONS

3. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage, electricity facilities and telecommunication networks to the development/each lot 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. 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.
7. 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.
8. 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 to the requirements of the City of Darwin, to the satisfaction of the consent authority.
9. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, site earthworks, vehicular access, pedestrian/ cycle corridors and streetscaping are to be to the technical requirements of the City of Darwin to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
10. 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.

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 Surveyor-General advises you should immediately make application for unit/street addresses to the Survey and Land Records unit on (08) 8995 5362 (surveylandrecords@nt.gov.au).

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The Northern Territory Planning Scheme 2007 (NTPS) applies to the land. Although that Scheme has been repealed and replaced by the

Northern Territory Planning Scheme 2020 (NTPS 2020), which took effect on 31 July 2020, transitional provisions contained in Section 215 of the *Planning Act 1999* require that a development application relating to a specific use zone is to be determined in accordance with the Act in force and the elements of the planning scheme applicable immediately before the 31st July 2020.

The site is in Zone SD23 (Specific Use Darwin No 23) of the NTPS and is designated for Commercial / Community uses (C /CP) on the land use plan endorsed under DP13/08012 for the subdivision.

The proposed subdivision will create new lots and service infrastructure to facilitate the future development of the land for commercial/community purposes is consistent with the approved subdivision plan. The proposed subdivision does not alter the site's approved use (commercial / community purpose) and will provide commercial, residential, community purpose and recreation facilities consistent with a neighbourhood centre and servicing the surrounding residential areas. The assessment notes that there is no minimum lot size, under Clause 11.1.1 (Minimum Lot Sizes and Requirements), for Zone C / CP.

At the hearing, Mr Brad Cunnington (Northern Planning Consultants) gave an overview of the proposed subdivision. Mr Cunnington explained to the Authority that the proposed subdivision would enable the staged development of the commercial / community purpose land within Muirhead in a manner consistent with Zone SD23. Mr Cunnington stressed that the application seeks consent for subdivision works only, and the future development on proposed lots will require separate planning approval. Mr Cunnington further added that the intended development layout for future development provided in the application demonstrates that the proposed lots have appropriate areas for access, car parking, landscaping and can accommodate the built form of future development.

2. Pursuant to Section 51(e) of the *Planning Act 1999*, the consent authority must take into consideration any submissions made under section 49, and any evidence received under section 50, in relation to the development application.

Four submissions were made under section 49 in relation to the application during the exhibition period. The submissions raised concerns about the future development of proposed lots and their impacts on the surrounding areas.

In addition to the written submissions, the Authority heard from the submitter (Mr David Leck) present at the meeting.

Mr Leck stated that he is not against the subdivision but has concerns about future development on proposed lots and the amenity impacts on surrounding areas.

In response to Mr Leck's concerns, Mr Cunnington restated that the application proposes new lots and service infrastructure to facilitate

future development. No building/development works are proposed as part of this application.

The Authority noted both the concerns of the submitter and the comments made by the applicant. The Authority explained to Mr Leck that the future development of the proposed lots is not assessed as part of the application and will require separate planning approval, which will carry out a detailed assessment of the development against the requirements of the NTPS, including density, car parking, etc. The Authority explained to the submitter that the approval of a planning application for the subdivision does not mean that approval for the future development is also granted as they are two very distinct processes.

The Authority considers that the concerns raised by the submitters are matters that fall within the development approval process for future development on proposed lots and therefore the submitters are encouraged to lodge a submission under the *Planning Act 1999* when the development application for proposed lots is exhibited.

3. Pursuant to section 51(j) of the *Planning Act 1999*, 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. Also, pursuant to section 51(m) of the *Planning Act 1999*, 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 capability of the land has been previously considered through the subdivision, and prior to that, the introduction of the specific use zoning which does not raise any concerns.

The site is flat, cleared, and not affected by storm surges or the air noise exposure forecast (ANEF). The proposed lots would allow for the anticipated access, stormwater and servicing requirements subject to service authority requirements.

The application was circulated to the Department of Environment, Parks and Water Security and no land constraints were identified. The developer will have responsibilities to control noise (given residential uses are located nearby) during construction and need to comply with general environmental duties under the *Waste Management and Pollution Control Act 1998*.

The Authority at the hearing questioned the applicant regarding the proposed access for Lot A from Lee Point road. The applicant explained to the Authority that the proposed subdivision comprises three contiguous allotments, with access to all lots from Fuhrmann Street. The future access from Lee Point in the northern portion of Lot A will form part of the development applications on proposed lots which

will consider the traffic impacts in detail in consultation with the City of Darwin. At the hearing, Mr Conneil Brown (City of Darwin) clarified that any access from Lee Point road would require separate approval, which will carry out a detailed assessment of the traffic impacts on Lee Point Road. Mr Brown further confirmed to the Authority no proposal for access from Lee Point road had been received from the applicant to date.

The application was circulated to the relevant authorities, and comments received from these authorities are addressed by including conditions and notes on the development permit. Mr Brown at the hearing told the Authority that while access for proposed Lots A and B can be provided, access for proposed Lot C could create issues due to its proximity to the bus stop. Mr Brown confirmed to the Authority that the Council had requested a detailed traffic impact study to identify traffic issues and measures to resolve the issues as part of the development application lodged by the applicant for the Childcare Centre on proposed Lot C.

Condition Precedent 1 is included on the permit to seek in-principle approval for the crossovers and driveways to the site from the City of Darwin road reserve.

4. Pursuant to section 51(n) of the *Planning Act 1999*, 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 subdivision is consistent with the intent of Zone SD 23 and will facilitate future land uses in accordance with the approved zoning for the site (Zone C/CP). Matters relating to the built form and amenity impacts of the future development on proposed lots will be considered as part of the development application process. No undue amenity impacts are expected as a result of the development.

FOR: 3

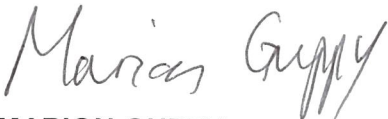
AGAINST: 0

ABSTAIN: 0

ACTION:

Notice of Consent and Development Permit

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



MARION GUPPY
Delegate

13 April 2021