

DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 244 – FRIDAY 21 NOVEMBER 2014

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

MEMBERS PRESENT: Denis Burke(Chairman), Grant Tambling, Garry Lambert and Bob Elix

APOLOGIES: Ross Baynes

OFFICERS PRESENT: Margaret Macintyre (Secretary), Sally Cunningham, Adelle Godfrey and Dawn Parkes (Sessions 1 & 2 only) Anthony Brennan and Doug Lesh (session 3 only) (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

**Meeting opened at 8.45 am and closed at 11.00 am
Reopened at 2.00 pm and closed at 4.35 pm**

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 **CARPORT ADDITION TO AN EXISTING DWELLING WITH A REDUCED FRONT**
PA2014/0693 **SETBACK**
 LOT 7689 (36) CRAIG CRESCENT, TOWN OF NIGHTCLIFF
APPLICANT **NAC PTY LTD**

Mr Michael Kuhn (NAC Pty Ltd) and Mr Andrew Chin (owner) attended.

RESOLVED
276/14

That, the Development Consent Authority vary the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 7689 (36) Craig Crescent, Town of Nightcliff for the purpose of a carport addition to an existing single dwelling with a reduced front setback, 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 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 endorsed as forming part of this permit.
3. 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.
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.

NOTES:

1. 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.

2. The City of Darwin advises that all street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction, shall be replaced, to the satisfaction of the General Manager Infrastructure, 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 primary purpose of Zone SD is to provide for single dwellings on individual lots. Lot 7689 is located within Zone SD (Single Dwelling) and is developed with a single storey dwelling and garage. Further development of the site for a carport is not considered to jeopardise the ongoing use of the site as the zone intends.
2. A variation to allow the roof structure of the carport to encroach more than 0.9m into the required 1.5m setback from Craig Crescent is considered acceptable in this case as:
 - the carport is open to both sides and the street which minimises any potential negative effects of building massing and will facilitate breeze penetration through and between the buildings on the site;
 - the carport is single storey and of a modest residential height. No overlooking will occur as a result;
 - locating the carport off Craig Crescent aids in preservation of the existing streetscape along Dick Ward Drive;
 - the additional 0.4m roof encroachment into the required 1.5m setback is not considered to result in any greater impact than a fully compliant roof line.
3. A schematic stormwater plan is required in order for the development to demonstrate that it is technically feasible to collect stormwater on the site and dispose of it into Council's stormwater drainage system, and to ensure that no stormwater will flow onto adjoining properties.

ACTION: Notice of Consent and Development Permit

ITEM 2
PA2014/0755

APPLICANT

**VERANDAH AND ENTRY GATE ADDITIONS TO AN EXISTING MULTIPLE DWELLING WITH A REDUCED FRONT SETBACK
LOT 2230 (23) PHILIP STREET, TOWN OF DARWIN
DLP DEVELOPMENTS**

Mr Darron Lyons (DLP Developments) and Mr Gavin Fracaro (owner) attended.

Submitter Ms Amanda Rutherford attended.

RESOLVED
277/14

That, the Development Consent Authority vary the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme, and pursuant to section 53(b) of the *Planning Act*, alter the proposed development and consent to the proposed development as altered to develop Lot 2230 (23) Philip Street, Town of Darwin for the purpose of verandah and entry gate additions to an existing multiple dwelling with a reduced front setback (Unit 1), 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 must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) An increased provision of landscaping along the front boundary to achieve greater compliance with Clause 7.7 (Landscaping of Multiple dwellings...) 'to ensure that landscaping for multiple dwellings complements and enhances the streetscape...'
 - (b) The provision of a 1.8m high colorbond fence along the southern side boundary to provide screening to the adjoining residence as per the requirements of Clause 7.5 (3a).
2. 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.

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

NOTE:

1. 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 account any planning scheme that applies to the land to which the application relates.

The proposed development has been assessed against the relevant requirements of the Northern Territory Planning Scheme and largely complies with the applicable clauses. The proposal is consistent with the primary purpose of Zone MD.

A variation to Clause 7.3 (Building Setbacks of Residential Buildings) for a reduced front setback to the entry gate structure is supported as it is considered to be compatible with the streetscape and surrounding development and does not result in any further massing when viewed from adjoining land and the street. Furthermore, the entry gate structure serves a specific purpose and would serve little use located anywhere other than on the boundary.

A variation to Clause 7.3 (Building Setbacks of Residential Buildings) for a reduced front setback to the columns and eaves of the verandah is also supported, as the Authority determined that greater compliance would not make a great difference to the effect of building massing when viewed from adjoining land and the street, and the development as proposed was considered acceptable in terms of its compatibility with the streetscape and surrounding development.

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.

The authority notes the submitter's concerns in relation to stormwater runoff from the roof of the existing dwelling and proposed verandah to the southern side of Unit 1. The applicant has agreed to install guttering and a down pipe to ensure that stormwater does not flow into adjoining Lot 2231. Furthermore, a condition precedent requiring submission of a schematic stormwater plan to the requirements of City of Darwin will ensure that appropriate drainage measures are in place.

3. Amended plans are required to be submitted by the applicant incorporating changes to the current proposal to show:
 - an increased provision of landscaping along the front boundary to achieve greater compliance with the purpose of Clause 7.7 (Landscaping for Multiple Dwellings...); and
 - the provision of a 1.8m good neighbour colorbond fence along the southern side boundary to provide screening to the adjoining residence as per Clause 7.5 (Private Open Space) (3a).

ACTION: Notice of Consent and Development Permit

**ITEM 3
PA2014/0717**

**ALTERATIONS AND ADDITIONS TO AN EXISTING SINGLE DWELLING WITH A
REDUCED FRONT SETBACK**

APPLICANT

**LOT 488 (14) PHOENIX STREET, TOWN OF NIGHTCLIFF
MARY MARTIN**

The applicant did not attend. Submitter Ms Margie West sent her apologies.

**RESOLVED
278/14**

That, the Development Consent Authority vary the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 488 (14) Phoenix Street, Town of Nightcliff for the purpose of alterations and additions to an existing single dwelling with a reduced front setback, 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.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings 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 the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

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. City of Darwin advise that:
 - a. All street trees shall be protected at all times during construction; and
 - b. any works on/over City of Darwin property shall be subject to a separate application to the City of Darwin.
3. 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 account any planning scheme that applies to the land to which the application relates.

The proposed development is generally consistent with the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) and compliant with all other requirements of the Scheme.

The reduced front setback is not considered to affect the proposal's ability to meet the purpose of the clause.

2. 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.

Given the size of the lot, the land is considered capable of supporting the proposed development.

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

The proposed alterations/additions to an existing single dwelling are not expected to unduly impact on the existing or future amenity of the area.

ACTION: Notice of Consent and Development Permit

ITEM 4
PA2014/0767

2 STOREY SINGLE DWELLING EXCEEDING 8.5M IN HEIGHT WITH A REDUCED FRONT SETBACK

APPLICANT

**LOT 6326 (13) CASTLEMAINE CLOSE, TOWN OF DARWIN
THEMELINA KALIDONIS**

The applicant did not attend.

**RESOLVED
279/14**

That, the Development Consent Authority vary the requirements of Clause 7.1.2 (Residential Height Limitations) and Clause 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 6326 (13) Castlemaine Close, Town of Darwin for the purpose of a 2 storey single dwelling exceeding 8.5m in height and with a reduced front setback, 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.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings 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 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.

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. City of Darwin advise that:
 - a. All street trees shall be protected at all times during construction; and

- b. any works on/over City of Darwin property shall be subject to a separate application to the City of Darwin.
3. 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 account any planning scheme that applies to the land to which the application relates.

The proposed development is consistent with the primary purpose of Zone SD (Single Dwelling); is considered to achieve the objectives of Clause 7.1 (Residential Height Limitations) and Clause 7.3 (Building Setbacks of Residential Buildings); and is compliant with all other requirements of the Scheme.

The 600mm height encroachment and reduced front setback is not considered to affect the proposal's ability to meet the purpose of these clauses and the development is considered to be compatible with the streetscape and surrounding development. Variations to these clauses will not result in any undue overlooking.

In addition, the proposed development has been approved in principle to be in accordance with the Bayview design guidelines.

2. 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.

There is no reason to suggest that the land is not capable of supporting the proposed development.

3. 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.

There were no public submissions made under section 49 of the *Planning Act*.

ACTION: Notice of Consent and Development Permit

ITEM 5
PA2014/0669
APPLICANT

**2 X 3 BEDROOM MULTIPLE DWELLINGS IN A 2 STOREY BUILDING
LOT 11259 (51) BLACKBURN STREET, TOWN OF NIGHTCLIFF
THE TRUSTEE FOR KAMMAS FAMILY TRUST**

The applicant did not attend.

**RESOLVED
280/14**

That, the Development Consent Authority vary the requirements of Clauses 7.3.1 (Additional Setback Requirements for Residential Buildings Longer than 18m and for Residential Buildings over 4 Storeys in Height) and 7.5 (Private Open Space) of the Northern Territory Planning Scheme, and pursuant to Section 53(a) of the *Planning Act*, consent to the application to develop Lot 11259 (51) Blackburn Street, Town of Nightcliff for the purpose of 2 x 3 bedroom multiple dwellings in a 2 storey building, subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
2. 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.
3. 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 land 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 relevant service authority to the satisfaction of the consent authority.
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.

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

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 works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
9. 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.
10. 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.
11. 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.
12. All balconies are to be internally drained and discharged 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.

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 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 purpose of Zone SD23 is to facilitate the subdivision, use and development of the land as a residential estate that provides for housing choice through a range of lot sizes and housing types. Land may be developed for multiple dwellings with consent, where identified on the land use drawing endorsed under the zone. The land is identified for multiple dwellings on the land use drawing endorsed through the Muirhead subdivision and the proposal is consistent with that land use drawing.
2. A variation to the requirements of Clause 7.3.1 (Additional Setback Requirements for Residential Buildings Longer than 18m and for Residential Buildings over 4 Storeys in Height) is considered acceptable in this instance given the proposal is considered to meet the objectives of the clause including to minimise any adverse effects of building massing and visual bulk when viewed from adjoining land and the street. Features of the building design including the provision of varied setbacks and the use of materials assists in providing articulation to the building form. From adjoining land, the requirement for more conservative setbacks than would otherwise be required on adjoining lot 11260 to the north-west will assist in providing a greater level of separation between dwellings which will assist in reducing adverse effects of building massing, and the provision of screening at the upper level will assist in ensuring undue overlooking to adjacent properties is avoided.
3. A variation to the minimum dimension requirements of Clause 7.5 (Private Open Space) for Unit 1 is considered acceptable in this instance given Unit 1 achieves approximately 80m² private open space in total, and as the private open space areas combined are expected to provide for both the recreational and functional needs for future occupants, providing an extension to living areas at both ground and upper levels and will and provide for adequate levels of residential amenity.

ACTION: Notice of Consent and Development Permit

ITEM 6 79 X 1 BEDROOM, 75 X 2 BEDROOM AND 2 X 3 BEDROOM MULTIPLE
PA2014/0725 DWELLINGS IN A 22 STOREY BUILDING
APPLICANT LOT 9197 (2) STOKES HILL ROAD, TOWN OF DARWIN
TOGA DARWIN NO 1 PTY LTD

The applicant did not attend.

RESOLVED That, pursuant to Section 46(4)(b) of the *Planning Act*, the Development Consent
281/14 Authority defer consideration of the application to develop Lot 9197 (2) Stokes Hill
Road, Town of Darwin for the purpose of 79 x 1 bedroom, 75 x 2 bedroom and 2 x 3
bedroom multiple dwellings in a 22 storey building to require the applicant to

provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

- Submission of further information to resolve the issues identified within the technical comments provided by the Department of Transport. Any amended plans required should be accompanied by updated advice from the Department of Transport confirming that the design meets their standards.

REASONS FOR THE DECISION

1. Pursuant to Section 46(4)(b) of the *Planning Act*, the consent authority may defer consideration of a proposal to allow the applicant to provide additional information it considers necessary to enable the proper consideration of the proposal and its impact on the site and the surrounding area.
2. Technical comments received from the Department of Transport indicate there are unresolved concerns relating to the current and projected traffic distribution data, the staging of the development and resulting traffic impacts and upgrades required which should be addressed prior to further consideration of the proposal.

ACTION: Advice to Applicant

ITEM 7
PA2014/0410
APPLICANT

FILLING OF LAND (SD44) FOR FUTURE DEVELOPMENT
LOT 5182 (213) DICK WARD DRIVE, TOWN OF DARWIN & LOT 8630 (95) DICK
WARD DRIVE, TOWN OF NIGHTCLIFF
PLANIT CONSULTING PTY LTD

Mr Adam Smith and Ms Julie Giguere (Planit Consulting Pty Ltd) attended.

Submitter in attendance:- Ms Margaret Clinch (PLan: The Planning Action Network).

Interested party in attendance:- Ms Patsy Hickey

+ 3 other people attended.

RESOLVED
282/14

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 5182 (213) Dick Ward Drive, Town of Darwin and Lot 8630 (95) Dick Ward Drive, Town of Nightcliff for the purpose of filling of land (SD44) for future development, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant 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 the development will be managed on the site, and is to include details of

the haulage of excavated and new materials, traffic management, stormwater management, use of City of Darwin land and how this land will be managed during the development phase.

2. 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 the Department of Land Resource Management, and an endorsed copy of the Plan will form part of this permit. The ESCP is to be developed by a suitably qualified and experienced professional in erosion and sediment control planning, and in accordance with the IECA Best Practice Erosion and Sediment Control Guidelines 2008. The plan should detail methods and treatments for minimising erosion and sediment loss from the site during both the construction and operational phases. Erosion and sediment control information can also be sourced from the DLRM website at <http://lrm.nt.gov.au/soil/management>.

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. 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. Appropriate protection shall be provided to contain potential spills of waste and protect contaminants from entering adjacent properties, roadways, and the stormwater drainage system.
6. The proponent must ensure that only clean fill (virgin excavated natural material) or inert fill is accepted and that the inert fill has been adequately assessed as being suitable for its intended use or uses.
7. 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/dropped material on the road pavement becomes a potential safety issue, the developer will be obliged to clean material off the road in an environmentally responsible manner.
8. The developer is to ensure that all development work is undertaken in a manner that prevents the creation of a public health nuisance from dust or other particulate matter.
9. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
10. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.

11. Should any marine sediments be excavated and exposed an Acid Sulphate Soils Management Plan (ASSMP), including details of the volumes and depths of proposed excavations and potential length of time acid sulphate soil material may be exposed, is to be submitted to and approved by the consent authority on the advice of a suitably qualified professional, and an endorsed copy of the Plan will form part of this permit.

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. Any proposed stormwater connections to the City of Darwin stormwater system or proposed works on/over City of Darwin property shall be subject to separate application to the City of Darwin and shall be carried out to the requirements and satisfaction of the General Manager Infrastructure, City of Darwin.
3. The Department of Lands, Planning and the Environment advises that any works within the drainage easements will require approval from the Department, and the applicant must ensure compliance with the *Crown Lands Act* and the *Associations Act* in relation to any works on the land.
4. 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. The filling of land is consistent with the purpose of zone SD44 which is to provide for light industrial development that addresses the effects of primary storm surge and preserves the safety and maintains the curfew free operation of the Darwin International Airport.
2. 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 generally in accordance with the requirements of the SD44 Specific Use Zoning subject to the preparation of a revised Erosion Sediment Control Plan (ESCP) which is to be submitted to and approved by the consent authority on the advice of the Department of Land Resource Management.
3. Pursuant to section 51(e) of the *Planning Act*, in considering a development application the consent authority is required to take into account any submissions made under section 49. Seven submissions were received raising concerns with the proposal. Appropriate responses to the matters raised, as reflected by the conditions and notes given on

the development permit, should ensure that all issues are addressed appropriately within the context of the approved zoning of the land.

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. In addition, pursuant to section 51(j) of the *Planning Act*, the consent authority must also take into account 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. Precedent and general conditions on the development permit require an environmental construction management plan and an erosion and sediment control plan, as well the requirement for dust control and the use of clean or inert fill only. It is anticipated that these measures, combined with standard conditions relating to the treatment of easements, are expected to ensure that the land is developed in accordance with its physical capabilities; address concerns raised by service authorities; and, ensure utility and infrastructure requirements are appropriately addressed.
5. Pursuant to section 51(n) of the Planning Act, the consent authority must take into account the potential impact on the future and exiting amenity of the area in which the land is situated. The existing and future amenity of the area largely been addressed through the SD44 Zoning which has been created to provide for a light industrial development. Consideration has been given to surrounding land uses, and provided all works are undertaken in accordance with the precedent and general conditions, it is not anticipated the development would impact on amenity.

ACTION: Notice of Determination

ITEM 8
PA2014/0745
APPLICANT

SUBDIVISION TO CREATE 6 LOTS
LOT 5182 (213) DICK WARD DRIVE, TOWN OF DARWIN
PLANIT CONSULTING PTY LTD

Mr Adam Smith and Ms Julie Giguere (Planit Consulting Pty Ltd) and Ms Anne Adams (Citiland Pty Ltd) attended.

Mr Smith tabled a response to the recommendation.

Submitters in attendance:- Ms Carolyn Carttling, Mr Graham Kirby, Ms Carolyn Marriott, Ms Heidi Jatis, Ms Pamela Trotman, Ms Vanessa Kaye, Mr Rob Inder Smith, Ms Margaret Clinch (PLan: The Planning Action Network), Ms Nicole Kaye and Mr David Percival.

Mr Percival showed the DCA members seven photos, two photos showing the lot adjoining the Bagot Road McDonalds and five showing parts of the Jape Homemaker

development; and also showed the DCA members 10 photos showing the trees on the lot.

Interested party in attendance:- Ms Patsy Hickey.

+ 3 other people attended.

**RESOLVED
283/14**

That, the Development Consent Authority vary the requirements of clause SD37 (Specific Use No. 37 – Darwin) and clause 11.1.1 (Minimum Lot Sizes and Requirements) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 5182 (213) Dick Ward Drive, Town of Darwin for the purpose of subdivision to create 6 lots, subject to the following conditions:

CONDITION 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 landscaping buffer (including fencing) within Area A in accordance with the Bagot Road Master Plan
 - b. Plan notations identifying that the road alignment is subject to change pending the outcome of the detailed Traffic Impact Assessment
2. Prior to the endorsement of plans and prior to the commencement of works, written correspondence from PowerWater (Power Networks) is required confirming that the anticipated maximum demand information has been provided, to the satisfaction of the PowerWater.
3. Prior to the endorsement of plans and prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Darwin and Department of Transport stormwater drainage system shall be submitted to and approved by the City of Darwin and Department of Transport, 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 Council and Department of Transport's system.
4. 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 the Department of Land Resource Management, and an endorsed copy of the Plan will form part of this permit. 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. Information regarding erosion and sediment control and ESCP content is

available at www.austieca.com.au and the DLRM website: <http://lrm.nt.gov.au/soil/management>.

5. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare an Environmental Construction Management Plan (ECMP), to the requirements of the City of Darwin, to the satisfaction of the consent authority. The ECMP is to address how construction will be managed on the site, and is to include details of the haulage of excavated and new materials, traffic management for construction vehicles, management of stormwater during the construction phase, fencing and hours of construction.
6. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to submit a Statement of Environmental Audit, from a suitably qualified person under section 68 of the Waste Management and Pollution Control Act, certifying that the site is suitable for its intended use, and that any contaminated soil has been appropriately remediated or disposed of, to the requirements of the NT Environment Protection Authority, to the satisfaction of the consent authority.
7. Prior to the endorsement of plans and prior to the commencement of subdivision works (including site preparation), a draft covenant shall be provided to the consent authority for review. The covenant shall require provision for a road reservation as required by Zone SD37, and restrict the construction of formal access points to individual lots until such time that a detailed Traffic Impact Assessment has been completed. Written confirmation is required from the Transport Infrastructure Planning Division, Department of Transport, and the City of Darwin, that the covenant is to their requirements.
8. Prior to the endorsement of plans and prior to the commencement of subdivision works (including site preparation), plans showing that all of the land within Areas A and B of SD37 will be filled to be above the Primary Storm Surge Area (PSSA) shall be provided to the authority for endorsement. The plans shall be to the satisfaction of the consent authority and be accompanied by a statement from a suitably qualified professional confirming that the placement of fill will create no adverse hydrological impacts on other properties in the area due to the displacement of water in a 1 in 100 year surge event.

GENERAL CONDITIONS

9. Works carried out under this permit shall be in accordance with drawings endorsed as forming part of this permit.
10. Before issue of titles and pursuant to section 55 of the *Planning Act*, a covenant shall be lodged with the Registrar-General for notation on the titles of proposed lots 1, 2, 3, 4 and 5 shown on the endorsed drawings. The covenant shall require provision for a road reservation as required by Zone SD37, and restrict the construction of formal access points to individual lots until such time that a detailed Traffic Impact Assessment has been completed. Written confirmation is required from the Transport Infrastructure Planning Division, Department of Transport, and the City of Darwin, that the covenant is to their requirements.

11. Part V clearance for subdivision will not be granted until the landscaping buffer works shown on the endorsed plans are carried out and completed to the satisfaction of the consent authority.
12. Notwithstanding that the exact location of the internal road that runs along the northern boundary of Area A is subject to change, Part V clearance for subdivision will not be granted until:
 - i The internal road that runs along the northern boundary of Area A and all required improvements to surrounding intersection and access arrangements are carried out and completed to the satisfaction of the City of Darwin, the Department of Transport and the Department of Lands, Planning and the Environment;or,
 - ii Written confirmation is received from the above agencies that the proposed covenant discussed at condition 7 and condition 10 is sufficient to ensure that the internal road and all required improvements to surrounding intersection and access arrangements is completed at a later time and to their requirements and satisfaction.
13. All proposed roads to be created on the plan of subdivision submitted for approval by the Surveyor General must be dedicated to the relevant Northern Territory or local government authority.
14. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, vehicular access, pedestrian/ cycle corridors and streetscaping are to be to the technical requirements of City of Darwin or Department of Transport as the case may be, to the satisfaction of the consent authority, and all approved works constructed at the developer's/owner's expense.
15. All proposed works impacting on Bagot Road, Fitzer Drive, Dick Ward Drive and Totem Road 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 City of Darwin or Department of Transport, as the case may be. Drawings must be submitted to the City of Darwin or the Transport Infrastructure Planning Division for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".
16. Any clearing and future use of the land shall not be detrimental to the drainage, flood immunity or safety of the Bagot Road road reserve thorough the blocking of off-let drains, natural drainage channels or overland flow. Any alteration of the existing stormwater drainage patterns shall be such that the stormwater run-off from the lots is away from Bagot Road and is able to be collected within the development are and local stormwater system.

17. The landscaping buffer 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.
18. 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.
19. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities, electricity supply and telecommunications to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
20. 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.
21. Any planting or construction activity within any easement or within road reserves adjacent to assets of any public agency or authority shall conform to the requirements of the relevant agency or authority to the satisfaction of the consent authority.
22. 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 or the Department of Transport, to the satisfaction of the consent authority.
23. The developer is to ensure that all development work is undertaken in a manner that prevents the creation of a public health nuisance from dust or other particulate matter.
24. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
25. All works associated with the development are to comply with the conditions of any Authority Certificate issued by the Aboriginal Areas Protection Authority.

NOTES:

1. The developer shall have regard to the City of Darwin's Subdivision and Development guidelines.
2. A "Permit to Work Within a Road Reserve" may be required from the City of Darwin or the Department of Transport before commencement of any work within the road reserve.
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 in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

4. 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.
5. The developer is required to contact 'Dial Before You Dig' on 1100 to obtain a location of the Telstra Network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.
6. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities.
7. All new roads are required to be named under the *Place Names Act*. You should immediately make application to the Place Names Committee to commence the road naming process. Contact the Place Names Unit on 8995 5333 or placenames.dpi@nt.gov.au. Further information can be found at <http://www.placenames.nt.gov.au>.
8. The Department of Lands, Planning and the Environment's 'Environment Protection Agency' advises that construction work should be conducted in accordance with the Department'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.
9. The permit holder is advised that it is an offence to disturb or destroy prescribed archaeological places without consent under the *Heritage Act*. Should any heritage or archaeological material be discovered during the clearing operation, cease operation and please phone Heritage Branch of the Department of Lands, Planning and the Environment.
10. 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 Land Resource Management.
11. The Aboriginal Areas Protection Authority recommends that the permit holder obtain an Authority Certificate to indemnify against prosecution under the *Aboriginal Sacred Sites Act*. For advice on how to obtain a certificate please contact the Aboriginal Areas Protection Authority.
12. The site is subject to "The Defence Areas Control Regulations" (DACR). 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. requires approval by the Department of Defence.

13. Any 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.casa.gov.au/wcmswr/assets/main/rules/1998casr/139/139mfull.pdf>.
14. The site is to be kept clean of rubbish and any storage of waste is to be managed at all times in a manner so as to not attract birds or bats, to the satisfaction of the consent authority.

REASONS FOR THE DECISION

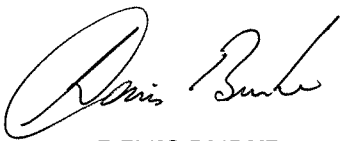
1. The subdivision is consistent with the purpose of zone SD37 which is to provide for development that preserves the amenity of the adjoining residential areas, minimises the negative impacts of being exposed to aircraft noise, and preserves the safety of the Darwin International Airport.
2. Pursuant 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 generally in accordance with the requirements of the SD37 Specific Use Zoning and consistent with the endorsed master plan. Where the proposal seeks variations to the provisions of the planning scheme it has been demonstrated that purpose of the clause has been met or can be met through the inclusion of precedent and or general conditions.
3. Pursuant to section 51(e) of the *Planning Act*, in considering a development application the consent authority is required to take into account any submissions made under section 49. Nineteen submissions were received raising concerns with the proposal. Appropriate responses to the matters raised, as reflected by the conditions and notes given on the development permit, should ensure that all issues are addressed appropriately within the context of the approved zoning of the land.
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. In addition, pursuant to section 51(j) of the *Planning Act*, the consent authority must also take into account 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. Precedent and general conditions on the development permit require: a schematic stormwater management plan, a traffic impact assessment report, an environmental construction management plan, an erosion and sediment control plan, and a waste management plan. 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; address concerns raised by service authorities; and, ensure utility and infrastructure requirements are appropriately addressed.

5. Pursuant to section 51(n) of the *Planning Act*, the consent authority must take into account the potential impact on the future and existing amenity of the area in which the land is situated. The future and existing amenity of the area largely been addressed through the SD37 Zoning which has been created to provide for a commercial and industrial development. Consideration has been given to surrounding land uses, and provided all works are undertaken in accordance with the precedent and general conditions, it is not anticipated the development would impact on amenity.
6. Satisfaction of section 9.21 '*Lighting in the Vicinity of Aerodromes*' of the CASA Manual of Standards Part 139 is required in order to meet subclause 4 of clause 6.9 (Land in Proximity to Airports), which requires that "lighting associated with development on land within flight approach paths is not to prejudice the safe operation of an airport".

ACTION: Notice of Consent and Development Permit

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



DENIS BURKE
Chairman

27/11/14

