



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 164 – FRIDAY 18 MARCH 2011

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

MEMBERS PRESENT: Peter McQueen (Chairman), Grant Tambling, David Hibbert, Bob Elix and Heather Sjoberg

APOLOGIES: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), and for part of the meeting Douglas Lesh, Steven Conn, Peter Sdraulig and Israel Kgosiemang (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 9.00 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.

ITEM 1 **9 X 2 BEDROOM MULTIPLE DWELLINGS IN A 4 STOREY BUILDING**
PA2010/1392 **INCLUDING GROUND LEVEL CAR PARKING**
LOT 4694 (6) HICKORY STREET, TOWN OF NIGHTCLIFF
APPLICANT **AURECON AUSTRALIA PTY LTD**

Pursuant to section 97 of the *Planning Act*, Mr Peter McQueen, Chairman of the Development Consent Authority declared a conflict of interest and was not present and did not take part in the determination of this item.

Pursuant to section 101(3) of the *Planning Act*, in the Chairman's absence Mr David Hibbert was elected by the Darwin Division members to preside during the determination of this item.

Mr Paul Graham (Aurecon Australia) and Ms Shayne O'Halloran (owner) attended.

RESOLVED
51/11

That, the Development Consent Authority, pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 4694 (6) Hickory Street, Town of Nightcliff for the purpose of 9 x 2 bedroom multiple dwellings in a 4 storey building including ground level car parking, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of works (including site preparation) a full set of 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 three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show existing and proposed ground levels, demonstrating that final ground levels will be substantially the same as existing ground levels.
2. Prior to endorsement of plans and prior to the commencement of works (including site preparation), a Storm Surge Contingency Plan is to be submitted demonstrating measures to avoid damage to residents property in the event of a flood or storm surge event, to the satisfaction of the consent authority.
3. Prior to endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a schematic plan demonstrating all stormwater to be collected on the site and discharged underground to Council's stormwater drainage system, to the requirements of Darwin City Council and to the satisfaction of the consent authority.

GENERAL CONDITIONS

4. Works carried out under this permit shall be in accordance with the plans endorsed as forming part of this permit.
5. Storm water is to be collected and discharged into the drainage network to the technical standards of and at no cost to Darwin City Council, to the satisfaction of the consent authority.
6. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, and electricity and telecommunication services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
7. 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.
8. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Darwin City Council, to the satisfaction of the consent authority.
9. 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 Darwin City Council to the satisfaction of the consent authority.
10. 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.

11. 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.
12. 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.
13. 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.
14. 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.
15. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
16. All balconies are to be internally drained and discharge is to be disposed of at ground level and in a manner consistent with stormwater disposal arrangements for the site to the satisfaction of the consent authority.
17. All air conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
18. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the consent authority.
19. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council to the satisfaction of the consent authority.

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/ or surrounding infrastructure.
2. The developer shall contact Telstra on <http://www.telstrasmartcommunity.com/> prior to any work commencing to facilitate the installation of the Telstra Network

REASONS FOR THE DECISION

1. The proposal to construct 9 x 2 bedroom multiple dwellings in a 4 storey building including ground level car parking is consistent with the purpose of Zone MR (Medium Density Residential) of the NT Planning Scheme which is to 'provide for a range of housing options to a maximum height of four storeys'.
2. Having considered the purpose of clause 6.14 (Land Subject to Flooding and Storm Surge), the proposal is considered to achieve an appropriate outcome through all habitable rooms commencing at level 1 and minimal structures at ground level resulting in minimal water displacement during storm surge event. The requirement for plans showing existing and proposed ground demonstrating minimal change will ensure existing conditions are largely maintained, minimising risk to the development and surrounding area from any storm surge event, which will further ensure that the purpose of this clause will be achieved. It is noted the existing dwelling on the site is to be replaced with a car parking area at ground level which is considered to be consistent with the purpose of clause 6.14 being to 'reduce risk to people damage to property and costs to the general community caused by flooding and storm surge'.

ACTION: Notice of Determination

ITEM 2
PA2011/0032

**EDUCATION ESTABLISHMENT - AUSTRALIAN CENTRE FOR
INDIGENOUS KNOWLEDGE AND EDUCATION
LOT 9198 (7) ELLENGOWAN DRIVE, TOWN OF NIGHTCLIFF
CHARLES DARWIN UNIVERSITY**

APPLICANT

Mr Ken Suter (CDU Major Projects) and Mr Adam Walker (Woodhead) attended.

RESOLVED
52/11

That, pursuant to Section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 9198 (7) Ellengowan Drive, Town of Nightcliff for the purpose of an education establishment – Australian Centre for Indigenous Knowledge and Education, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the commencement of works (including site preparation) a schematic plan demonstrating all stormwater to be collected on the site and discharged underground to Council's stormwater drainage system is to be submitted, to the requirements of Darwin City Council, to the satisfaction of the consent authority.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings numbered 2011/0032/1 through 2011/0032/24, 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 facilities and electricity, gas and telecommunication services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to Darwin City Council, to the satisfaction of the consent authority.
6. 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, Darwin City Council, and to the satisfaction of the consent authority.
7. 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, and
 - (e) line marked to indicate each car space and all access lanes;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, and at the junction of the pedestrian accessway and the ground level carparking area.
9. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
10. 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.

11. 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.
12. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
13. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council 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 developer is required to upgrade internal electricity reticulation in accordance with Power and Water's Service and Installation Rules.
3. The developer shall submit a revised overall maximum power demand calculation to Power Water for assessment.
4. Darwin City Council advises that, notwithstanding the approved plans, any proposed awnings, footpaths and landscaping works within Council's road reserve are subject to approval from Darwin City Council, and shall be undertaken at no cost to Council.
5. Darwin City Council advises that any signage for the site shall be wholly within the subject site and subject to Council Policy No. 42 – Outdoor Advertising Signs Code.

REASONS FOR THE DECISION

1. The proposed education establishment is consistent with the primary purpose of Zone CP (Community Purposes), "to provide for community services and facilities, whether publicly or privately owned or operated, including facilities for civic and government administration."
2. The proposal is compliant against all requirements of the Northern Territory Planning Scheme and is an appropriate development and use for the site, and is not likely to have any amenity impacts on the surrounding locality. The application has architectural merit, incorporates a good level of landscaping and is expected to be of benefit to the community.

3. A stormwater drainage plan is required as Council has stated that there is currently insufficient information to assess the capabilities of the development to discharge to Council's drainage network.

ACTION: Notice of Consent and Development Permit

TEM 3
PA2011/0028
APPLICANT

2 X 2 BEDROOM MULTIPLE DWELLINGS IN 2 SINGLE STOREY BUILDINGS
LOT 7162 (42) MARRAKAI STREET, TOWN OF NIGHTCLIFF
BUILD UP DESIGN PTY LTD

Mr Simon Scully and Mr Jimmy Walker (both from Build Up Design) and Mr Wayne Wright (Department of Housing, Local Government & Regional Services).

RESOLVED
53/11

That, the Development Consent Authority vary the requirements of Clause 6.5.1 (Parking Requirements), Clause 6.5.3 (Parking Layout) and Clause 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 7162 (42) Marrakai Street, Town of Nightcliff for the purpose of 2 x 2 bedroom multiple dwellings in 2 single storey buildings subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the commencement of works (including site preparation) a schematic plan is to be provided, demonstrating that all stormwater can be collected on the site and discharged underground to Council's stormwater drainage, to the requirements of Darwin City Council and to the satisfaction of the consent authority. This plan is to include details of site levels and stormwater drain connection points within the vicinity of the site.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings number 2011/0028/1 through to 2011/0028/7 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 water supply, drainage, sewerage facilities and electricity and telecommunication services 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. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council to the satisfaction of the consent authority.

6. The kerb crossovers and driveways to the site approved by this permit shall be to the technical standards of and at no cost to the Darwin City Council, to the satisfaction of the consent authority.
7. 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 Darwin City Council, to the satisfaction of the consent authority.
8. 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; and
 - (d) drained;to the satisfaction of the consent authority.
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
9. 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.
10. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
11. 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.
12. 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.
13. 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.
14. All air conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner 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 Development Consent Authority advises that part of the primary purpose of Zone SD35 (Specific Uses – Darwin) is to facilitate the use and development of the land for seniors and/or people with physical ailments or mobility impairments.

REASONS FOR THE DECISION

1. The proposed development appears to be consistent with the primary purpose of Zone SD35 (Specific Uses – Darwin) which is to facilitate the use and development of the land for single storey, multiple dwellings for seniors and/or people with physical ailments or mobility impairments.
2. A variation to Clause 6.5.1 (Parking Requirements) is supported given that the intended residents of the dwellings, in accordance with the purpose of the zone, will be seniors and/or people with physical ailments or mobility impairments for which it seems reasonable that providing 1.5 car parking spaces per dwelling will provide sufficient car parking for the development.
3. A variation to Clause 6.5.3 (Parking Layout) is supported as the proposal remains functional and does not visually impact on the locality.
4. A variation to Clause 7.5 (Private Open Space) of the Northern Territory Planning Scheme is supported as the private open space provided to these accommodates envisaged domestic activities with a suitable level of privacy.

ACTION: Notice of Consent and Development Permit

ITEM 4
PA2010/1076

APPLICANT

**REPLACEMENT OF EXISTING RETAINING WALL,
REGRADE OF WHARF SURFACE AND PROVISION OF NEW LIGHTING
LOT 6505 (26) FRANCES BAY DRIVE, TOWN OF DARWIN
DARWIN PORT CORPORATION**

The applicant did not attend the meeting.

RESOLVED
54/11

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 6505 (26) Francis Bay Drive, Town of Darwin for the purpose of the replacement of an existing wharf retaining wall, regrading of the wharf surface, and provision of new lighting, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and the commencement of works, additional information as requested by the Department of Natural Resources, Environment, the Arts and Sport (NRETAS) must be provided demonstrating whether the scope of works necessitate the need for an "Acid sulphate soil investigation report" and complete the report, and carryout all required actions as deemed necessary in the report, 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. Prior to the commencement of any works, an erosion and sediment control plan is required to manage the risk of sediment pollution to the Darwin Harbour. The plan is to be developed and approved, and subsequently implemented to the satisfaction of the consent authority on advice from the Natural Resources Division. The plan should detail but not be limited to drainage, methods and treatments for minimising erosion and subsequent sediment loss from the site both during the construction and operation phases.
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, sewerage facilities and electricity, services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
6. Storm water is to be collected and discharged into the drainage network to the technical standards of and at no cost to Darwin City Council to the satisfaction of the consent authority.
7. Any floodlighting or security provided on site is to be shielded in a manner to prevent the lighting being noticeable or causing nuisance to Francis Bay Drive Road traffic.

REASONS FOR THE DECISION

1. The proposal is generally consistent with the provisions of the NT Planning Scheme and the purpose of Zone SD9 (Specific Use Darwin 9).
2. Conditions 7 required in order to ensure the development will have no adverse impact on the amenity of the surrounding area.

3. The requirement of additional information demonstrating whether the scope of works necessitate the need for an "Acid sulphate soil investigation report" will ensure that any potential risk to the environment is addressed to the satisfaction of the consent authority.
4. The requirement of an erosion and sediment control plan will ensure that the risk of sediment pollution to the Darwin Harbour is addressed to the satisfaction of the consent authority.

ACTION: Notice of Consent and Development Permit

ITEM 5
PA2010/1467
APPLICANT

UNIT PLAN SUBDIVISION TO CREATE 6 UNITS
LOT 6105 (23) SERGISON CIRCUIT, TOWN OF NIGHTCLIFF
EARL JAMES AND ASSOCIATES

Mr Kevin Dodd (Earl James & Associates) attended.

RESOLVED
55/11

That pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 6105 (23) Sergison Circuit, Town of Nightcliff for the purpose of a unit plan subdivision to create 6 units, to require the applicant to provide the following additional information that the Authority considers necessary in order to enable proper consideration of the application:

1. Additional information with regard to what upgrades are proposed in accordance with clause 11.1.4 (Subdivision for the Purposes of a Unit Title Scheme) which states that "a lawfully established use or development on a lot may be subdivided to create a unit title scheme only if the use or development has been upgraded to meet the performance criteria within Part 4 of the planning scheme that apply to the use or development of the land." If it is considered that upgrades are not a practicable design solution, adequate information must be provided with regard to why this is the case.

REASON FOR THE DECISION

In accordance with subclause 3 of clause 11.1.4 (Subdivision for the Purposes of a Unit Title Scheme) "a lawfully established use or development on a lot may be subdivided to create a unit title scheme only if the use or development has been upgraded to meet the performance criteria within Part 4 of the planning scheme that apply to the use or development of the land." Subclause 3 also states that "if it is not possible to meet the criteria the consent authority must be satisfied that the proposed upgrading is the only practicable design solution. Inadequate information has been provided with regard to what upgrades are actually proposed, and no specific reasons have been provided with regard to why it is not practicable to meet the criteria within Part 4 of the Scheme.

ACTION: Advice to Applicant

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



DAVID HIBBERT
Delegate

24/3/11

