DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 289 – FRIDAY 24 FEBRUARY 2017

PRESENTATION SUITE
LEVEL 5, 21 KITCHENER DRIVE
DARWIN WATERFRONT

MEMBERS PRESENT: Denis Burke (Chairman), Bob Elix, Justine Glover and Doug Phillips

APOLOGIES: John Gleeson and Garry Lambert

OFFICERS PRESENT: Hanna Steevens (Director), Anthony Brennan, Steven Kubasiewicz and Poppy Zaronias (Development Assessment Services), Karen White and Kenny Grant (Crown Land Estate)

COUNCIL REPRESENTATIVE: Nadia Smith and James Whyte

Meeting opened at 9.45 am and closed at 11:35 am
ITEM 1  
PA2016/0727  
18 X 2 AND 6 X 3 BEDROOM MULTIPLE DWELLINGS, PLUS GROUND LEVEL COMMERCIAL TENANCIES IN A 9 STOREY BUILDING INCLUDING 2 LEVELS OF ABOVE GROUND CAR PARKING  
LOT 1471 (68) CAVENAGH STREET, TOWN OF DARWIN  
APPLICANT  
NORTHERN PLANNING CONSULTANTS PTY LTD

Mr Brad Cunnington (Northern Planning Consultants) and Mr Hully Liveris (Hully Liveris Design Co) attended.

RESOLVED  
18/17  
That, the Development Consent Authority determine to vary the requirements Clauses 6.3.2 (Volumetric Control in Central Darwin), 6.3.3 (Urban Design Requirements in Central Darwin), 6.5.3 (Parking Layout), 6.6 (Loading Bays) 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 01471 (68) Cavenagh Street, Town of Darwin for the purpose of a mixed use development comprising 18 x 2 and 6 x 3 bedroom multiple dwellings, plus ground level commercial tenancies in a 9 storey building including 2 levels of above ground car parking, 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, and must be generally in accordance with the plans submitted with the application but modified to show:

(a) Three (3) bicycle parking spaces located within the ground floor storage area;
(b) Awnings and/or other architectural treatments along the full length of the Lindsey Street site frontage at ground level as required by the City of Darwin in consultation with the applicant, to the satisfaction of the consent authority; and
(c) Landscaping plan for the verge that meets the requirements of the City of Darwin, to the satisfaction of the consent authority.

2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), in principle approval is required from the City of Darwin for any works within the road reserve, to the satisfaction of the consent authority.

3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), in principle approval is required for the provision of awnings to the street frontages to the requirements of the City of Darwin and the Power and Water Corporation. The awnings are to be generally in line with the requirements of the City of Darwin.
accordance with the submitted plans, and shall not reduce the achievement of active frontages below 75% of the total length of the site boundary to the street, to the satisfaction of the consent authority.

4. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), approval is required by the City of Darwin for any elements of the building (separate to awnings) that is designed to be constructed or installed over the City of Darwin road reserve, to the satisfaction of the consent authority.

5. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a schematic plan demonstrating the on-site collection of stormwater and its discharge into the 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 the site levels and stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected to the underground system.

6. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a traffic impact assessment report is to be prepared by a suitably qualified traffic engineer with attention to vehicular, pedestrian, cyclist and public transport issues, including swept paths for waste collection vehicles, vehicular queuing issues with the proposed reduced loading bay and identifying any necessary upgrades to the surrounding street network to the requirements of the City of Darwin, to the satisfaction of the consent authority.

7. Prior to the endorsement of plans and prior to the commencement of works (including site preparation) the applicant is to provide written advice from a suitably qualified person confirming that the parking layout generally complies with Australian Standards for off-street carparking.

8. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a waste management plan to the requirements of the City of Darwin, to the satisfaction of the consent authority.

9. Prior to the commencement of works (including site preparation), the applicant is to prepare an environmental and construction management plan to the requirements of the City of Darwin, to the satisfaction of the consent authority. The plan is to address waste management, traffic control, haulage routes, storm water drainage, use of City of Darwin land; and how this land will be managed during the construction phase.

10. 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.

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GENERAL CONDITIONS

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

12. Before the use commences the owner must, in accordance with Part 6 of the Planning Act, provide a monetary contribution to the City of Darwin in accordance with the Developer Contributions Plans – Stormwater Drainage Works.

13. All works recommended by the traffic impact assessment are to be completed to the requirements of the City of Darwin, to the satisfaction of the consent authority.

14. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electrical facilities, and telecommunication networks to the development shown on the endorsed plans in accordance with the authorities’ requirements and relevant legislation at the time.

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

16. 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.

17. Before the use or occupation of the development starts, the area(s) 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;
   (g) to the satisfaction of the consent authority.
   Car spaces, access lanes and driveways must be kept available for these purposes at all times.

18. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.
19. A compliance certificate under the Swimming Pool safety Act issued by the Swimming Pool Safety Authority is required for the swimming pool prior to the commencement of the development to the satisfaction of the consent authority.

20. Prior to the use/occupation of the development and connection of services (i.e. power and water), the owner of the land must apply for unit/street addressing from the Surveyor-General of the Northern Territory. This will form the legal address and will be required to be placed on the doors and meters within the development in accordance with the allocation. The use of the development cannot commence until such time as addressing is obtained.

21. Confirmation shall be provided to Development Assessment Services (in the form of an email addressed to the Power and Water Corporation) from a suitable qualified professional (being the Licensed Surveyor in most instances) confirming that all new unit title number labels have been correctly installed at the Customer’s Metering Panel(s) and water meters (where applicable). Please provide a copy of an email addressed to both landdevelopmentnorth@powerwater.com.au and powerconnections@powerwater.com.au

22. 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.

23. 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.

24. All air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view and from view of neighbouring or nearby developments (or developments reasonably anticipated), located so as to minimize thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority. The use of angled louvered slats for screening purposes is acceptable, however the slit screening must be designed with a panel to gap ratio, such that the condenser units are not readily visible from any angle.

25. All roof top plant equipment (such as vents and ducting associated with the requirements for stairwell pressurization or other such ventilation purposes or similar) that will be placed on the rooftop of the development shall be appropriately screened, or designed to soften the visual impact of such equipment from view from neighbouring or nearby developments (or developments reasonably anticipated).

26. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed to service ducts or otherwise hidden from view to the satisfaction of the consent authority.

27. All substation, fire booster and water meter arrangements are to be appropriately screened to soften the visual impact of such infrastructure on the streetscape, to ensure that the infrastructure is sympathetic to and blends in
with the design of the building. Detail will need to be resolved to the satisfaction of the consent authority in consultation with the Power and Water Corporation, and NT Fire and Emergency Services.

28. 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.

29. 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.

30. 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.

31. 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.

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

33. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building(s).

34. All waste, including hazardous and toxic waste, must be disposed of in a manner that it avoids the creation of a public health nuisance, and should be transported to an approved waste disposal facility.

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (powerdevelopment@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 City of Darwin advise that all street trees shall be protected during construction, and any tree on the footpath which is damaged or removed during construction shall be replaced. A tree protection zone shall be constructed in accordance with the relevant Australian Standards.

3. A “Permit to Work Within a Road Reserve” is required from the City of Darwin before commencement of any work within the road reserve.

4. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority’s Noise Guidelines for Development Sites. 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.

5. This development does not grant “building approval”. The Building Code of Australia requires that certain structures within 900mm of a boundary meet minimum fire resistance level requirements and you are advised to contact a registered private building certifier to ensure that you have attained all necessary approvals before commencing works.

6. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to Council.

7. Notwithstanding the approved plans, any proposed works (including landscaping and awnings) within the City of Darwin’s road reserve is subject to approval and shall meet all requirements to the satisfaction of the City of Darwin, at no cost to the relevant agency.

8. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Nomination Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Building should be contact via email (info@ntbuild.com.au) or by phone (08 8936 4070) to determine if the proposed works are subject to the Act.

9. An application must be submitted to the Department of Defence for any cranes used during construction that will infringe on the Defence (Areas Control) Regulations surfaces for Darwin Airport.

10. The Northern Territory Environment Protection Authority advise that during the excavation, the basement may fill with turbid sediment laden stormwater, and there are obligations under section 16 of the Water Act for water to not become polluted. The Department of Health advise that the construction site should as far as practical, be kept free of ponding water during the wet season to prevent creating a public health nuisance for adjacent residents due to biting insects.

11. 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).

12. The City of Darwin advises that prior to occupation, the applicant shall ensure that a building number is displayed in a position clearly visible from the street, and visible against the background on which it is placed.

13. The City of Darwin advise that if the development involves an excavation that extends below the level of the base of the footings of a building on the adjoining land, the developer must, at their own expense, protect and support the adjoining property and pedestrians from possible damage or injury, and where necessary, underpin the adjoining premises to prevent any such damage.
14. The Authority noted at the time of determination that the applicant/developer does not have the intention to enter into an agreement with the City of Darwin for alfresco dining within the road reserve, with all alfresco dining areas identified as being contained within the site boundaries. Further consent is likely to be required for use of the road reserve for alfresco dining if proposed in the future.

**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 Northern Territory Planning Scheme applies and the land is within Zone CB (Central Business). The application proposes a mixed use development comprising commercial uses and multiple dwellings which is consistent with the primary purpose of Zone CB in providing for a diversity of activities including administrative, judicial, professional, office, entertainment, cultural, residential and retail and other business activities with a commitment to the separation of incompatible activities.

2. The application varies Clause 6.3.2 (Volumetric Control in Central Darwin) of the Planning Scheme of which the purpose is to ensure that the siting and mass of buildings in Central Darwin promotes a built form that maximises the potential for view corridors to the Darwin harbour, the penetration of daylight and breeze circulation between buildings, the privacy for residents of adjoining properties, and a built form that reasonably anticipates the future development of adjoining sites. At Tier 1 (up to 25m), a 6m setback is required to balconies and windows to habitable rooms, and at Tier 2 (above 25m), a 6m setback is required to all components of the building. Also, the maximum building length at Tier 2 is required to be no more than 75% of the length of the adjacent boundary.

The variation to the building height of the Tier 1 component is considered minor given the extra height does not incorporate additional floor area, rather it facilitates to maximise the cross-flow ventilation and access to prevailing breezes. The proposed increased building height is unlikely to be noticeable (to comply, the building length would need to be reduced by 4.9m only), is unlikely to affect view corridors given the site is located on a corner within a street block, nor the privacy of residents of future developments which may be reasonably anticipated, this non-compliance is considered appropriate. The small increase in the building height is mitigated by the reduction in the building height in the north east and north west corner setback to the rear of the development and is unlikely to be noticeable to any occupant of adjoining buildings. The six (6) metre setback from adjoining site boundaries in this area also reduces the overall building bulk and scale.

It is noted that the building is setback from the north east and north west corner from the level 1 podium level, this creates a void area for the remainder of the upper building and maximises solar and breeze
penetration to all multiple dwelling units from the podium level upwards. The building height of the setback portion measures a height of 33.20 RL (10.5 metres) above ground floor 1 and is below the maximum allowable height level.

3. Clause 6.3.3 (Urban Design Requirements in Central Darwin) promotes exemplary urban design in Central Darwin. Subclause 4(a) requires awnings to the full extent of the street frontage. The Authority has requested by condition amended plans that demonstrate awnings and/or other architectural treatments along the full length of the Lindsey Street site frontage at ground level as required by the City of Darwin in consultation with the applicant, which is expected to satisfy compliance with this clause and ensure exemplary urban design is achieved given the central location of the site on the corner of Cavenagh and Lindsay Street as one of the major pedestrian routes in Darwin City.

4. Clause 6.5.3 (Parking Layout) ensures that a car parking area is appropriately designed, constructed and maintained for its intended purpose. Although spaces numbered 4 on the level 1 carpark and 22 on the level 2 carpark are situated at the end of a row and do not achieve the required 3.5m width, adequate access will be achieved for these spaces as they are located opposite to a driveway ramp to provide additional space for reversing or otherwise driveway width has been widened to 6m. A condition is imposed for written confirmation from a suitably qualified person confirming that the parking layout complies with Australian Standards for off-street carparking.

5. Clause 6.6 (Loading Bays) ensures that loading bays are provided for the loading and unloading of vehicles associated with the use of land. The proposed development requires 1 loading bay for every 2,000m² of the total net floor area for an office, restaurant and shop use. As the development proposes a total of 196.5m² office and commercial floor area, one loading bay is required. The minimum loading bay dimensions required under the clause is 3.5 metres wide and 7.5 metres in length, whilst the proposed loading bay measures 3.5 metres wide and 5.5 metres in length, which does not meet the minimum requirement. City of Darwin has provided advice on this matter and has included a condition precedent for a Traffic Impact Assessment and Waste Management Plan alongside other conditions requested.

6. Clause 7.5 (Private Open Space) ensures that each dwelling has private open space that is of an adequate size to provide for domestic purposes. Multiple dwellings (including serviced apartments) are required to provide 12m² of private open space including minimum dimensions of 2.8m x 4m, which is directly accessible from the dwelling and providing a functional extension of the dwelling, and taking into account the location of any private open space or habitable room associated with neighbouring dwellings. Compliant open space is achieved for the three (3)-bedroom apartments on level 1 podium – level six (6) inclusive, however variations are sought to the minimum dimension requirements for the two (2) bedroom apartments on level 1 podium – level six (6)
inclusive, where the minimum dimension to one side measuring as low as 2.6 metres and does not comply with the minimum 2.8 metres requirement. The non-compliance is considered minor given that all proposed private open space areas for each multiple dwelling exceeds the minimum area requirements of 12m², with area ranging from a minimum 13.1m² to 18.5m². The balconies are considered to provide functional, practical, useable areas and avoid narrow private open space areas.

7. Clause 8.2 (Commercial and other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, C, FD and T) promotes site-responsive designs of commercial, civic, community, recreational, tourist and mixed use developments which are attractive and pleasant and contribute to a safe environment. Sub-clause (o) requires the provision of bicycle access, storage facilities and shower facilties. The Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics recommends that provisions be undertaken for employees and visitors in accordance with Austroads ‘Cycling Aspects of Austroads Guides’.

Given that residential dwellings have internal storage and bathroom facilities, the requirement for the provision of bicycle storage and shower facilities is considered to have been satisfactorily met within the residential dwellings. For commercial purposes, given that the proposed commercial floor area is less than 300m² (196.5m²), the development does not generate bicycle parking spaces. Notwithstanding, sub-clause (o) requires bicycle access, storage facilities and shower facilities be provided. It is considered that the storage area (19.9m²) on the ground floor is capable of accommodating the three (3) bicycle parking spaces for visitors to the apartment houses. A condition of permit requires the spaces to be provided and accessible on site.

8. 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 and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development. Pursuant to section 51(m) of the Planning Act, the consent authority must take into account the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose. No land capability issues were identified during assessment of the application. Conditions precedent on the development permit require consent for the proposed awnings and other features within the road reserve, a construction management plan, a waste management plan, a stormwater management plan, a traffic impact assessment, and a dilapidation report. It is anticipated that these measures, combined with standard conditions relating to the connection and upgrade of utility services and the provision and treatment of easements, are expected to ensure that the land is developed in accordance with physical capabilities, to address
concerns raised by service authorities, and to ensure that utility and infrastructure requirements are appropriately addressed.

9. Pursuant to Section 51(n) of the Planning Act, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated. The land is zoned to accommodate the proposed mixed use development in that the development is considered to meet the purpose of Zone CB (Central Business) in providing for a diversity of activities including commercial and residential uses, and the overall height and scale of the building. Although variations are proposed to the volumetric controls of Clause 6.3.2, the siting and mass of the built form is expected to be equivalent to that of a compliance building and the building presents a high quality interface and limited service provision to the Cavenagh and Lindsay Street frontages. No undue amenity impacts have been identified in determination of the application.

ACTION: Notice of Consent and Development Permit

ITEM 2 WITHDRAWN

ITEM 3
PA2017/0009
DECK EXTENSIONS TO AN EXISTING HOTEL INCLUDING FOR SEATING AND
ALFRESCO DINING
BUILDING LOT 7842 AND LOT 10177 (7B) KITCHENER DRIVE AND (2) STOKES
HILL ROAD, TOWN OF DARWIN
APPLICANT ASHFORD GROUP PTY LTD

Mr Randal Ashford (Ashford Group Pty Ltd) and Mr Darren Leach (proponent) were present.

Submitter Ms Kay Withnall attended.

Submitter Mr Michael Caldwell was an apology.

RESOLVED 19/17

That, the Development Consent Authority determine to reduce the car parking requirements from 24 parking bays to nil parking bays pursuant to Clause 6.5.2 (Parking Requirements) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the proposed development to develop Lot 10177 (2) Stokes Hill Road, Darwin City, Town of Darwin for the purpose of deck extensions to an existing hotel including for seating and alfresco dining, subject to the following conditions:

GENERAL CONDITIONS

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

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

4. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to Darwin Waterfront Corporation to the satisfaction of the consent authority.

5. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into the Darwin Waterfront Corporation drains or to any watercourse.

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

2. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.

REASONS FOR THE DECISION

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

The proposal is consistent with the primary purpose of zone CB (Central Business), being "to provide for a diversity of activities including administrative, judicial, professional, office, entertainment, cultural, residential, retail and other business activities, with a commitment to the separation of incompatible activities".

A reduction in the parking required by Clause 6.5.1 (Parking Requirements) through the provisions of Clause 6.5.2 (Reduction in Parking Requirements) of 24 car parking bays is granted considering all the relevant matters as:
- The proposal when considered in context of the wider area includes a number of different but complementary commercial and recreational uses and multi-purpose trips to the site are anticipated;
- Parking demand for entertainment and restaurant uses peak at different times to recreational uses with parking demand for entertainment usually peaking in the period from early evenings;
- There is a significant amount of on-street parking available in the area; and
- There are a number of bus routes which service the development which are located a short walk from the site.

2. 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.

While the proposed development has the potential to contribute to the general level of noise experienced in the locality, it is not considered to be unreasonable within the context of the zone and existing uses located within the vicinity.

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

<table>
<thead>
<tr>
<th>ITEM 4</th>
<th>SUBDIVISION TO CREATE 144 LOTS</th>
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<tbody>
<tr>
<td>PA2016/0712</td>
<td>SECTION 7349 MAKAGON ROAD, HUNDRED OF BAGOT</td>
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<tr>
<td>APPLICANT</td>
<td>JUNE D’ROZARIO &amp; ASSOCIATES PTY LTD</td>
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</tbody>
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Ms June D’Rozario (June D’Rozario & Associates) and Mr Regan Anderson and Ms Kasi Chong (Halikos) were present.

Submitter Mr Gerry Wood attended.

Interested party Mr Bob White attended.

**RESOLVED 20/17**

That, the Development Consent Authority vary the requirements of Clause 11.2.3 (Lot Size and Configuration in Residential Subdivisions) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the proposed development to develop Section 7349 Makagon Road Hundred of Bagot for the purpose of a subdivision to create 144 lots, subject to the following conditions (note that for the purpose of this permit any reference to the Land Development Unit, means that Division of the Department of Infrastructure, Planning and Logistics, and any reference to the Transport and Civil Services, means that Division of the Department of Infrastructure, Planning and Logistics):

**CONDITIONS PRECEDENT**

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a site stormwater drainage plan demonstrating the on-site collection of stormwater and its discharge into the local stormwater...
drainage system shall be submitted to and approved by the Land Development Unit and/or Transport and Civil Services Division and/or City of Darwin as the case may be, to the satisfaction of the consent authority. The plan shall show the relevant drain connections point/s and indicate how stormwater will be collected on site and discharged to the relevant authorities’ drainage system.

2. Prior to the endorsement of plans and prior to commencement of works (including site preparation), written confirmation is required from the Land Development Unit and/or Transport and Civil Services Division and/or City of Darwin as the case may be that the following reports and approvals have been provided, to the satisfaction of the consent authority:

   a. Traffic impact assessment report;
   b. Accesses to the development site;
   c. Feasibility stage traffic safety audit; and
   d. Master plans showing appropriate detail.
      i. Road hierarchy;
      ii. Stormwater drainage;
      iii. Environmental management;
      iv. Pedestrian and cycle routes;
      v. Parks and public open space; and
      vi. Services.

3. Prior to the endorsement of plans and prior to commencement of works (excluding site preparation), proposed zoning plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority.

4. Prior to the commencement of construction works for the following components in each stage:

   a. roads;
   b. stormwater drainage;
   c. street lighting;
   d. vehicular accesses;
   e. pedestrian/cycle paths;
   f. landscaping;
   g. irrigation;
   h. park areas; and
   i. streetscaping.

the Developer shall submit detailed design documentation (engineering design, design report and specifications) for all such proposed works and achieve Permission to Use from the Land Development Unit. All designs that relate to future Land Development Unit infrastructure and open space are to comply with the relevant development guidelines, to the satisfaction of the Land Development Unit and must be prepared and certified by suitably qualified persons.

5. Prior to the commencement of works, a Construction Environmental Management Plan (CEMP) must be submitted to, and approved by the consent authority on the advice of the Northern Territory Environment Protection
Agency (NTEPA). The CEMP should include, but not be limited to, the following sub-plans;

a. Noise Management Plan (considering the NT EPA Noise Guidelines for Development sites);
b. Heritage Management Plan;
c. Weed Management Plan;
d. Water Quality Management Plan;
e. Dust Management Plan; and
f. Storm water Management Plan.

6. Prior to the commencement of works, a
   a. Construction Traffic Management Plan (CTMP) is to be submitted to and approved by the Transport and Civil Services Division, to the satisfaction of the consent authority. The CTMP is to detail all appropriate site management measures including construction access, proposed haulage routes, vehicle types, protection of existing assets and public access and a risk assessment.
   b. Environmental and Construction Management Plan (ECMP) (including any preparation works that impact on City of Darwin Infrastructure) is to be submitted to and approved the City of Darwin, to the satisfaction of the consent authority. The ECMP should specifically address the following:
      i. Waste management;
      ii. Traffic control;
      iii. Haulage routes;
      iv. Stormwater drainage;
      v. Use of City of Darwin land; and
      vi. How this land will be managed during the construction phase.
   c. Dilapidation report covering infrastructure within the road reserve to the requirements of the City of Darwin, to the satisfaction of the consent authority.

7. Prior to the commencement of works, an Erosion and Sediment Control Plan (ESCP), is to be submitted to and approved by the Consent Authority on the advice of the Department of Environment and Natural Resources (DENR). All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the requirements of the Consent Authority, on advice from DENR. The ESCP is to be developed by a Certified Professional in Erosion and Sediment Control (CPESC) 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 the construction phase. Information regarding ESCP content is available at: www.austieca.com.au.

GENERAL CONDITIONS

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

9. Stormwater drainage shall be appropriately discharged into a local or trunk stormwater system to the standards and approval of the City of Darwin and/or
the Transport and Civil Services Division and/or Land Development Unit as the case may be, to the satisfaction of the consent authority.

10. All works are to be constructed in accordance with the design documentation (engineering design, design report and specifications) provided with ‘Permission to Use’ by the Land Development Unit, excepting as varied with the approval of the Land Development Unit. All construction works to roads, stormwater drainage, street lighting, vehicular accesses, pedestrian/cycle paths, landscaping, irrigation, open space (parks) areas and streetscaping are to comply with the relevant development guidelines, be certified by suitably qualified persons to the satisfaction of the Land Development Unit.

11. Engineering design and specifications for any proposed and affected City of Darwin infrastructure are to be to the technical requirements of City of Darwin, to the satisfaction of the consent authority and all approved works constructed at the owner’s expense.

12. 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.

13. 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.

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

15. All proposed work (including the provision of services) within, or impacting upon the Stuart Highway, Berrimah Road, any other existing NT Government controlled road reserves, or the proposed new subdivision road reserves shall 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 Transport and Civil Services Division.

Design documents must be submitted to the Director Corridor Management, Transport and Civil Services Division for Road Agency Approval, irrespective of approvals granted by other Authorities e.g. Power & Water Corporation. No works within, or impacting upon road reserves controlled or to be controlled by the NT Government are to commence prior to gaining Road Agency Approval.

16. Where an upgrade of an existing intersection onto Berrimah Road is required to accommodate traffic from Stage 1 of the Berrimah Farm Development (including construction traffic), swept path diagrams for the maximum sized vehicle utilising the intersection shall be provided with the detail design drawings submitted for Road Agency Approval to demonstrate the suitability of the intersection design geometry.
17. Any new or upgraded intersection and all new collector and local roads are subject to Road Safety Audits in accordance with the Transport and Civil Services Division Policy “Road Safety Audits”.

18. No temporary access for construction purposes shall be permitted from the Stuart Highway road reserve. Construction and delivery vehicles shall not be parked on the Stuart Highway road reserve.

19. The loads of all trucks entering and leaving the site of works are to be constrained in such a manner as to prevent the dropping or tracking of materials onto streets. This includes ensuring that all wheels, tracks and body surfaces are free of mud and other contaminants before entering onto the sealed road network. Where tracked material on the road pavement becomes a potential safety issue, the Developer will be obliged to sweep and clean material off the road.

20. The Developer shall consider the Department’s Policy “Road Traffic Noise on Northern Territory Government Controlled Roads” and have carried out, in accordance with AS3671 Road Traffic Noise Intrusion - Building Siting and Construction, an assessment by a suitably qualified person of the Development’s present and predicted future exposure to road traffic noise levels along the Stuart Highway and Tiger Brennan Drive. Where required, the Developer shall provide appropriate noise attenuation measures to the satisfaction of the Chairman, Development Consent Authority. All noise attenuation works deemed necessary, e.g. building materials and design, lot layout or noise barriers, shall be wholly contained within the subject Lot (including foundations) and carried out and maintained at full cost to the Developer.

21. Upon completion of any works within or impacting upon the Stuart Highway or Berrimah Road road reserves, the road reserve(s) shall be rehabilitated to the standards and requirements of the Transport and Civil Services Division returned to the condition prior to the Developer commencing works to the standards and requirements of the Department of Infrastructure, Planning and Logistics.

22. The installation or relocation of any services or service connections within the site on completed works requires, in addition to service authority approvals, the approval of the Land Development Unit.

23. Before the issue of Titles, the developer is to provide written confirmation (in the form of plans or drawings) demonstrating that all lots less than 600m2 for single dwellings allow for future vehicle access via a single driveway unrestricted by street infrastructure (including any power, water, sewer, or stormwater infrastructure) which demonstrates that a 3.5m driveway can be located on each lot whilst ensuring that each lot’s street frontage has a minimum continuous length of 6.5m, to the satisfaction of the consent authority.

24. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the requirements of the consent authority, upon the advice of the Department of Environment and Natural Resources.
25. The developer must implement necessary measures to mitigate mosquito breeding during the construction phase of the development, to the requirements of the Department of Health, to the satisfaction of the consent authority.

26. Dust control measures must be employed throughout the construction stage of the development to the requirements of the NT EPA, 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. If you choose nbn to service your development, you will need to enter into a development agreement with nbn. The first step is to register the development via http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html once registered nbn will be in contact to discuss the specific requirements for the development. Nbn requires you to apply at least 3 months before any civil works commence. All telecommunications infrastructure should be built to nbn guidelines found at http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/builders-designers.html

3. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority’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.

4. The Northern Territory Environment Protection Authority has advised that the proponent must comply with their General Environment Duty provided by section 12 of the Waste Management and Pollution Control Act.

5. A “Permit to Work Within a Road Reserve” is required from the Land Development Unit and/or the Transport and Civil Services Division before commencement of any work within the road reserve.

6. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
7. As part of any subdivision, the parcel numbers for addressing should comply with the Australian Standard (AS/NZS 4819:2011). For more information contact Survey and Land Records surveylandrecords@nt.gov.au 08 89955354. The numbers shown on the plans endorsed as forming part of this permit are indicative only and are not for addressing purposes.

8. The technical design and construction standards of the Land Development Unit are as provided within the Berrimah Farm Subdivision Guidelines dated 31/3/2015 incorporated into the Development Agreement or where this document is silent, the appropriate standards of the City of Darwin, City of Palmerston or Litchfield Council development guidelines may be applied.

REASONS FOR THE DECISION

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

The Authority considers that the proposal is generally consistent with the relevant Area Plan and planning principles outlined by Clause 14.1.2 (Berrimah Farm Planning Principles) of the Northern Territory Planning Scheme (Scheme). Specifically, the proposal provides for a safe and diverse urban residential environment with a variety of lot sizes and high quality public space and open space areas, and has an interconnected local road network that, on completion of the relevant precedent condition requirements, will distribute the anticipated traffic flow within the site and integrate with the surrounding local road network through appropriate intersection design.

2. A variation to Clause 11.2.3 (Lot size and configuration in Residential subdivisions) of the Northern Territory Planning Scheme is granted for a number of lots with a frontage less than 20m and an area in excess of 600m² that do not comply with the dimensional requirements. The Authority considers the lot sizes are shape large enough to accommodate a dwelling design that complies with the applicable performance criteria stipulated by the Scheme.

3. Pursuant to section 51(e) of the Planning Act, the consent authority must take into account any submissions made under section 49, in relation to the development application.

One public submission was received objecting to the proposal, concerned primarily with the road widths proposed for the subdivision. The Scheme and relevant Area Plan does not provide any guidance for road widths in residential subdivisions as it is typically to the requirements of the relevant authority (the Land Development Unit of the Department of Infrastructure, Planning and Logistics in this instance). Provided the development proceeds in accordance with the conditions included on the permit, the Authority considers that the proposed subdivision will provide adequate road widths in accordance with the planning scheme.

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with the relevant requirements, and overall is sufficient to satisfy the purpose of the Area Plan.

4. Pursuant to section 51(j) of the Planning Act, the consent authority must 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. In addition, 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.

No land capability issues have been identified. The land is gently sloping and soils types are suitable for the types of development being proposed. The Authority notes that extensive contamination and hazardous material assessments have been undertaken for Berrimah Farm between 2009 and 2013. The area in Stage 1 has received a Statement of Audit, which confirms that the area is considered suitable for mixed residential and commercial use and open space, and that no additional work is required to assess its suitability. Further to this the Land Development Unit of the Department of Infrastructure, Planning and Logistics have sought assurance that that the works external to the Stage 1 development area, including the drainage works, will not intersect areas of contamination, otherwise mobilise contaminants or create ongoing management issues on land or infrastructure to be transferred to its control. Department of Land Resource Management has no objection to the proposal subject to an Erosion and Sediment Control Plan being developed by a suitably qualified and experienced professional. Precedent and general conditions on the development permit ensure that an appropriate level of service is maintained for the site and surrounding locality. Provided the development proceeds in accordance with the conditions included on the permit, the Authority considers that Stage 1 of the development is capable of supporting the proposed subdivision.

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

The site is within Zone FD (Future Development) and subject to Clause 14.1.2 (Berrimah Farm Planning Principles) of the Planning Scheme. The proposal generally accords with the layout depicted within the Area Plan and is considered unlikely to adversely impact on the area or alter community expectations for the site. The relevant Area Plan, zoning provisions and the application all seek to promote the best amenity outcomes for the future residents of the estate. Provided pedestrian and cycle corridors are established in appropriate locations and in a timely manner, and provided that site levels and associated stormwater...
drainage is appropriately managed, the proposed subdivision can achieve appropriate levels of residential amenity.

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

**RESOLVED 21/17**

That, the Development Consent Authority vary the requirements of Clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Section 7349 Makagon Road Hundred of Bagot for the purpose of a building envelope plan, subject to the following conditions:

**CONDITIONS PRECEDENT**

1. Prior to the endorsement of plans, amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and either two copies must be provided or they must be submitted electronically. The plans must be generally in accordance with the plans submitted with the application but modified as follows:
   a) Include clear references regarding the assessment of open structures and the like outside of the building envelope area,
   b) Any other revisions that may be necessary as a result of changes to the subdivision plans.

   The building envelope plans will not be endorsed until such time as the subdivision plans have been endorsed 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. The owner/developer must provide a copy of the building setback plan to land purchases prior to or at the time they purchase the land.

**REASONS FOR THE DECISION**

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

   The proposal is for a building envelope plan which will correspond with the Stage 1 subdivision which is consistent with the ultimate intended future use of the land as prescribed by the Northern Territory Planning Scheme.

2. A variation to Clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) of the Northern Territory Planning Scheme is
granted as the subject land is a large parcel of undeveloped land not
encumbered by adjoining residential development and in effect the
proposed setbacks will establish a streetscape that will create the
character and level of amenity. It is considered that the purpose of the
clause will be satisfied and the setback plan is supported for these
reasons.

ACTION: Notice of Consent and Development Permit

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

DENIS BURKE
Chairman

7/3/17