DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 296 – FRIDAY 9 JUNE 2017

BILLABONG ROOM
NOVOTEL DARWIN ATRIUM
100 THE ESPLANADE
DARWIN

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

APOLOGIES: Garry Lambert, Justine Glover and John Gleeson

OFFICERS PRESENT: Margaret Macintyre (Secretary), Hanna Steevens, Anthony Brennan, May Patterson and Amit Magotra (Development Assessment Services)

COUNCIL REPRESENTATIVE: David Burrow (COD Planner) attended.

Meeting opened at 10.00 am and closed at 12.45 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  
PA2017/0161  
GARAGE ADDITION TO AN EXISTING SINGLE DWELLING WITH A
REDUCED SIDE SETBACK
LOT 4254 (12) EDGEVIEW COURT, TOWN OF SANDERSON
APPLICANT
STAVROS POLITIS, GEORGIA TOMAZOS & ROULA KYRIACOU

DAS tabled an addendum with:
• submitters response in relation to the amended drawings and DCA report
  for the proposed development at Lot 4254 (12) Edgeview Court, Town of
  Sanderston, and;
• letter from the owner of Lot 4254 (12) Edgeview Court, Town of Sanderson
  to the submitters.

The applicant did not attend.

Submitters: Mr Padraic Bradley and Ms Susan Fong (adjoining landowners)
attended.

RESOLVED
103/17

That, pursuant to Section 46(4)(b) of the Planning Act, the Development Consent
Authority defer consideration of the application to develop Lot 4254 (12)
Edgeview Court, Town of Sanderson for the purpose of garage addition to an
existing single dwelling with a reduced side setback, to require the applicant to
provide the following additional information necessary in order to enable the
proper consideration of the application:

• Demonstration as to why the proposed side setback to the garage cannot
  be increased and/or the size of the garage decreased to achieve greater
  compliance with the requirements of Clause 7.3 (Building Setbacks of
  Residential Buildings and Ancillary Structures) of the NTPS. Further
  justification for any continued non-compliances should also be provided
  and presented in the context of special circumstances which justify the
  giving of consent.
• Any amendments to the application that arise as a result of the above
  information.

REASON FOR THE DECISION

1. The request for additional information demonstrating special
circumstances for the areas of non-compliance in relation to Clause 7.3
(Building Setbacks of Residential Buildings and Ancillary Structures) is
considered necessary as the application does not adequately
demonstrate that the proposal complies with the purpose of the clause.

ACTION: Advice to Applicant
SUBDIVISION AND CONSOLIDATION TO CREATE 6 LOTS
LOTS 10176 & 10177 (41 & 2) STOKES HILL ROAD & LOT 10178
KITCHENER DRIVE, TOWN OF DARWIN
MASTERPLAN NT

DAS tabled:
- an addendum with a submission from the NT Chapter of the Australian Institute of Architects (AIA) dated 5 June 2017; and
- further submission from PIA dated 8 June 2017.

Mr Jack Priestly (Masterplan NT), Mr Andrew Payne (Landbridge – Developer), Ms Marissa Hopewell (Project Manager, Project Strategies Australia), Mr Cian Davies (Bates Smart – Architect), Mr Paul Turyn (SLR Global Environmental Solutions), Mr Bryden Smith (Tonkin Consulting), Mr Seamus Nolan (WSP) and Mr Tony Pearson – Robert Bird Group attended.

Mr Alistair Shields (CEO Department of Tourism and Culture) attended.

Ms Leah Clifford (General Manager, DIPL) attended for part of this item.

Ms Fiona Ray and Ms Katrina Shoobridge (Planning Institute of Australia NT Division), Ms Joanne Rees and Mr Eddie Farinha (Australian Institute of Architects NT Chapter) and Ms Julia Schulz attended.

That, pursuant to Section 46(4)(b) of the Planning Act, the Development Consent Authority defer consideration of the application to develop Lots 10176 and 10177 (41 & 2) Stokes Hill Road and Lot 10178 Kitchener Drive, Town of Darwin for the purpose of subdivision and consolidation to create six lots, to require the applicant to provide the following additional information necessary in order to enable the proper consideration of the application:

- Demonstration that the proposal complies with the requirements of the Darwin City Waterfront Planning Principles and Area Plan, particularly in relation to principle 4(e) which requires uninterrupted public access to the water’s edge for the full extent of the site having regard to safety, security, and operational requirements of users of the wharves.
- Any amendments to the application that arise as a result of the above information

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.

The Authority considers that the proposal prejudices the intended land use outcome for the locality by restricting public access to the water’s edge. Furthermore, the Authority considers that the application fails to demonstrate, from a land use/context perspective, adequate justification to depart from the requirement to provide a safe, secure and equitable built environment that includes uninterrupted public access to the water’s edge for the full extent of the site having regard to safety, security, and
operational requirements of users of the wharves, as required by the Darwin City Waterfront Planning Principles and Area Plan principle 4(e).

**ACTION:** Advice to Applicant

**ITEM 3**

EXCAVATION, FILL, REMEDIATION AND SEAWALL WORKS ASSOCIATED WITH FUTURE DEVELOPMENT

LOTS 10176 & 10177 (41 & 2) STOKES HILL ROAD & LOTS 10178 & 10187 KITCHENER DRIVE, TOWN OF DARWIN

**APPLICANT**

MASTERPLAN NT

Mr Jack Priestly (Masterplan NT), Mr Andrew Payne (Landbridge – Developer), Ms Marissa Hopewell (Project Manager, Project Strategies Australia), Mr Cian Davies (Bates Smart – Architect), Mr Paul Turyn (SLR Global Environmental Solutions), Mr Bryden Smith (Tonkin Consulting), Mr Seamus Nolan (WSP) and Mr Tony Pearson – Robert Bird Group) attended.

Mr Alistair Shields (CEO Department of Tourism and Culture) attended.

Ms Leah Clifford (General Manager DIPL) attended for part of this item.

Ms Fiona Ray and Ms Katrina Shoobridge (Planning Institute of Australia NT Division), Ms Joanne Rees and Mr Eddie Farinha (Australian Institute of Architects NT Chapter) and Ms Julia Schulz attended.

**RESOLVED 105/17**

That, pursuant to Section 46(4)(b) of the Planning Act, the Development Consent Authority defer consideration of the application to develop Lots 10176 and 10177 (41 & 2) Stokes Hill Road and Lot 10178 Kitchener Drive, Town of Darwin for the purpose of excavation, fill, remediation and seawall works associated with future development, to require the applicant to provide the following additional information necessary in order to enable the proper consideration of the application:

- Demonstration that the proposal complies with the requirements of the Darwin City Waterfront Planning Principles and Area Plan, particularly in relation to principle 4(e) which requires uninterrupted public access to the water’s edge for the full extent of the site having regard to safety, security, and operational requirements of users of the wharves.
- Any amendments to the application that arise as a result of the above information

**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.

The Authority considers that the proposal prejudices the intended land use outcome for the locality by restricting public access to the water’s edge. Furthermore, the Authority considers that the application fails to demonstrate, from a land use/context perspective, adequate justification to depart from the requirement to provide a safe, secure and equitable
built environment that includes uninterrupted public access to the water's edge for the full extent of the site having regard to safety, security, and operational requirements of users of the wharves, as required by the Darwin City Waterfront Planning Principles and Area Plan principle 4(e).

ACTION: Advice to Applicant

COASTAL RECLAMATION AND CONSTRUCTION OF SEA WALL FOR THE PURPOSE OF EXTENSIONS TO AN EXISTING LICENCED CLUB
LOT 6475 (68) FRANCES BAY DRIVE, TOWN OF DARWIN
NORTHERN PLANNING CONSULTANTS PTY LTD

Mr Brad Cunnington (Northern Planning Consultants Pty Ltd) attended.

Submitters:- Mr Stephen Wood, Ms Ulrike Erwerle and Mr Steven Bastick attended.

RESOLVED 106/17

That, pursuant to section 53(a) of the Planning Act, the Development Consent Authority, consent to the application to develop Lot 7303 (68) Frances Bay Drive, Town of Darwin for the purpose of coastal reclamation and construction of sea wall for the purpose of extensions to an existing licenced club, 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/land owner must provide a hydrological assessment prepared by a suitably qualified professional demonstrating that the reclamation works and use of fill for the construction of the sea wall and extensions to the beer garden does not adversely affect adjacent land or waters, or the quality of adjacent waterways, and associated riparian areas and is suited to the intended future use of the site. The hydrological assessment must include an assessment of the proposed works against the potential upstream and downstream impacts of the excavation or filling and demonstrate the suitability of the site for the proposed future use.

2. Prior to the endorsement of plans and prior to the commencement of works, the applicant/land owner shall have carried out an Acoustic Study by a suitably experienced and qualified person to ensure that the amenity of the area is not detrimentally affected by the emissions of noise from the extension to the outdoor beer garden area. The study shall detail appropriate noise attenuation measures if required. The study is to be submitted to and approved by the consent authority on the advice of the Northern Territory Environmental Protection Authority and an endorsed copy will form part of this permit.

3. Prior to the endorsement of plans and prior to the commencement of works, the applicant/land owner shall prepared amended plans to include details of the noise attenuation measures identified in the Acoustic Study required by Condition No.2.

4. Prior to the endorsement of plans and prior to the commencement of works, the applicant/land owner shall prepare a landscape plan to the satisfaction...
of the consent authority. The landscaping shall provide noise and visual attenuation to adjoining sensitive receivers. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and two copies must be provided. The plan must show:

a) a survey (including botanical names) of all existing vegetation to be retained and/or removed;
b) details of surface finishes of pathways and driveways;
c) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
d) landscaping and planting within all open areas of the site; and
e) provision of an in ground irrigation system to all landscaped areas.

All species selected must be to the satisfaction of the consent authority.

5. 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 suitably qualified and experienced professional in erosion and sediment control planning and 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 erosion and sediment control and ESCP content is available at www.austieca.com.au.

GENERAL CONDITIONS

6. The works carried out under this permit shall be in accordance with the drawing numbers endorsed as forming part of this permit.

7. Before the use 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.

8. Prior to the use and/or occupation of the development, the noise attenuation measures identified in the Acoustic Study required by Condition No.2 and shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority on the advice of the Northern Territory Environmental Protection Authority.

9. Prior to the acceptance of any new fill, all material previously stockpiled is to be assessed, and all material that is not virgin excavated natural material (VENM) must be removed and recycled/ disposed of appropriately. The proponent must ensure that only clean fill (VENM) is accepted as fill at the premises. As such, fill material used for fill must be accompanied by details of its origin, volume, and transportation. Records of all recycled/disposed material must be kept at the premises. All records must be retained and made available to appropriate officers, upon request, to confirm compliance with these requirements. Any waste and other potential contaminants shall be recycled or disposed of to an appropriate licenced facility, to the requirements of Northern Territory Environment Protection Authority.
10. Use of any recycled material must be assessed to confirm that it is suitable for its intended use, to the requirements of NT EPA and to the satisfaction of the consent authority.

11. Should stormwater connections be required, any proposed stormwater connections to City of Darwin stormwater system or proposed works on/over City of Darwin shall be subject to separate application to City of Darwin and shall be carried out to the requirements and satisfaction of City of Darwin.

12. 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.

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 Erosion and Sediment Control Plan in place must be implemented and managed appropriately to ensure the water quality of Darwin Harbour is protected.

15. Waste bin storage and pick-up shall be provided to the requirements and satisfaction of City of Darwin.

NOTES:

1. The fill shall not contain weeds and or weed seeds is used for the stockpile of fill to mitigate weed spread. Any incidences of introduced weed species to the immediate areas surrounding the ramp will require follow up control, to the satisfaction of the Department of Environment and Natural Resources.

2. The applicant/land owner shall comply with their General Environmental Duty, including dust management under Section 12 of the Waste Management and Pollution Control Act in relation to the development.

3. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerdevelopmentnorth@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.

4. 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.

5. 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 coastal reclamation and construction of sea wall for the purpose of extensions to an existing licenced club requires assessment in accordance with clause 6.16 (Excavation and Fill) of the Northern Territory Planning Scheme and is generally compliant with the provisions outlined with this clause. Comments from service authorities have also been considered and incorporated as conditions precedent requiring the submission of an Erosion and Sediment Control Plan and a hydrological assessment to ensure that the use and development incorporating the fill achieves the provisions of the Scheme. Given that the seawall is not a use in its own right, the seawall and extension to the existing beer garden is considered to be consistent with the current operations of the Dinah Beach Cruising Yacht Association Club and with the Frances Bay Area Plan.

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. No land capability issues were identified during assessment of the application. Conditions precedent on the development permit require consent for an Erosion and Sediment Control Plan, Noise Management Plan and a hydrological assessment shall be carried out to ensure that the excavation or filling of land does not adversely affect adjacent land or waters, or the quality of adjacent waterways, and associated riparian areas and is suited to the intended future use of the site.

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. More broadly, the amenity considerations particularly relating to noise and dust pollution is reflected in the proposed conditions to ensure the amenity impacts are reduced.

ACTION: Notice of Determination

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

[Signature]
DENIS BURKE
Chairman
15/6/17