DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 291 – FRIDAY 24 MARCH 2017

BILLABONG ROOM
NOVOTEL DARWIN ATRIUM
100 THE ESPLANADE
DARWIN

MEMBERS PRESENT: Denis Burke (Chairman), Bob Elix, Garry Lambert, Doug Phillips and John Gleeson

APOLOGIES: Nil

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

COUNCIL REPRESENTATIVE: Cindy Robson, James Whyte and David Burrow

Meeting opened at 9.30 am and closed at 12 noon
ITEM 1  RECONSIDERATION: 24 X 1, 54 X 2 AND 37 X 3 BEDROOM MULTIPLE DWELLINGS AND GROUND LEVEL COMMERCIAL TENANCIES IN A 7 STOREY BUILDING (COMPRISING 2 TOWERS) PLUS 1 LEVEL OF BASEMENT CAR PARKING
LOT 7820 (4) BLAKE STREET, TOWN OF DARWIN

APPLICANT JUNE D’ROZARIO & ASSOCIATES PTY LTD

Ms June D’Rozario (June D’Rozario & Associates), Mr Michael & Mrs Gina Makrylos (developers), Mr Spiro Arkovzis and Mr Peter Cardiff (Lawyer) attended.

Ms D’Rozario tabled correspondence from the City of Darwin:-
• dated 21/11/16 in relation to the Traffic Impact Assessment; and
• dated 6/12/16 in relation to the Traffic Impact Assessment.

Submitters who sent their apology:- Mrs Katharine Duncan, Dr Henry Duncan, Ms Carol Phayer, Mr Peter Gee, Mr Sean Ryan and Mrs Amanda Labrooy.

Submitters in attendance:- Mr Stewart Labrooy, Ms Annette Murtagh & Mr Bret Hood, Mr Ashley Hornsey, Ms Carolyn Marriott, Ms Catherine McAlpine, City of Darwin represented by Ms Cindy Robson (Strategic Town Planner), Mr James Whyte (Team Leader Development) and Mr David Burrow (Planner), Ms Darlene Chin & Mr Darryl Tomas, Mr Hugh & Mrs Sue Bradley, Mr Ian & Mrs Marita Lunney, Mr John Potter, Ms Karen Burns, Mr Kevin Costello & Ms Mary Wignell and PLan: The Planning Action Network inc represented by Ms Margaret Clinch.

Mr Mark Wilton attended as an interested party.

Two further people attended once the hearing had commenced.

RESOLVED 38/17

The hearing of the application is adjourned.

ACTION: Letter to applicant and submitters advising that the matter has been adjourned.
ITEM 2
PA2017/0030  LOT 2753 (42) PARAP ROAD, TOWN OF DARWIN
APPLICANT  DARREN ON

Mr Darren On attended.

RESOLVED 39/17
That, pursuant to section 53(a) of the Planning Act, the Development Consent Authority consent to the application to develop Lot 2753 (49) Parap Road, Town of Darwin for the purpose of the change of use from veterinary clinic to a shop, subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with drawing number 2017/0030/01, 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, sewerage facilities, and electricity to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

4. Storage and pick-up for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (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. A “Permit to Work Within a Road Reserve” is required from the City of Darwin before commencement of any work within the road reserve.

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. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to Council.
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 proposal is to convert the old Parap Veterinary Clinic (since relocated to alternate premises) into a shop. Given the existing nature of the building, it is considered that the proposed use does not conflict with the purpose of the zone and is consistent with the surrounding uses.

The proposal does not provide any parking or loading areas, as these are located within common areas managed by City of Darwin. City of Darwin raised no issues in relation to the application.

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.

The proposed use is considered appropriate for the site and unlikely to have an amenity impact on the surrounding area and is consistent with the provisions of Zone C (Commercial).

ACTION: Notice of Consent, Development Permit and endorsed plans

ITEM 3
PA2017/0028
APPLICANT
MASTERPLAN NT

CHANGE OF USE FROM WAREHOUSE, SHOWROOM SALES AND OFFICE TO LEISURE AND RECREATION AND OFFICE LOT 1837 (27) BISHOP STREET, TOWN OF DARWIN

Mr Jack Priestly and Ms Sandra Howlin (Masterplan NT ), Mr Wayne Gabbert (Gabbert Design) and Ms Joan Knox (Country Women’s Association) attended.

RESOLVED 40/17

That, the Development Consent Authority determine to reduce the car parking requirements pursuant to Clause 6.5.2 (Reduction in Parking Requirements), vary the requirements of Clause 6.6 (Loading Bays) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application to develop Lot 1837 (27) Bishop Street, Town of Darwin for the purpose of a change of use from warehouse, showroom sales and office to leisure and recreation and office, subject to the following conditions:

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These minutes record persons in attendance at the meeting and the resolutions of the Development Consent Authority on applications before it. Reliance on these minutes should be limited to exclude uses of an evidentiary nature.
CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to submit a Parking Management Plan to the consent authority for approval detailing on-site car parking allocations for after hour use associated with the operations of the Country Women’s Association, to the satisfaction of the consent authority. The Plan shall demonstrate that car parking requirements can be accommodated on site during peak patron usage, including but not limited to:
   • Arrangements to use co-located tenancies vacant parking spaces after hours, and
   • Car pooling and other transportation arrangements.

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 of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electrical facilities to the development shown on the endorsed plans 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 authority to the satisfaction of the consent authority.

5. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.

6. 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 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. The use of angled louvered slats for screening purposes is acceptable, however the slat screening must be designed with a panel to gap ratio, such that the condenser units are not readily visible from any angle.

7. 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.

8. 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.

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

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10. 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.

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

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. 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.

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

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.

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 GI (Central Industry). The application proposes a change of use comprising leisure and recreational, office and associated warehouse/storage uses which is consistent with the primary purpose of Zone GI in providing for general industry use, and ancillary office uses.
2. Pursuant to Clause 6.5.2 (Reduction in Parking Requirements) a reduction of the parking requirements for the car parking spaces from 33 parking bays to eight (8) parking bays is granted as:

- The proposal is considered to be less intensive than surrounding general industrial uses given that the use of the premises will occur predominantly after hours where sufficient car parking is made available in proximity to the unit;
- The proposal includes off-street parking of 29 spaces which ensures that there is sufficient car parking spaces to accommodate the after hour use of the premises; and
- A condition of permit outlining the requirement for the management and operation of the car park will forms part of the development permit.

3. A variation to Clause 6.6 (Loading Bays) to allow a loading bay measuring 4m wide x 3.4m long x 3.1m high rather than the 3.5m x 7.5m x 4m required is granted as the proposed office floor area and warehouse storage area has a combined area of 148.4 square metres, significantly less than the 10,000 square metre guideline which incurs the same loading bay requirements, and as such the relatively small warehouse and office areas are unlikely to generate a significant demand for loading and unloading. The consent authority considers that the loading bay area is satisfactory for the operations of the Country Women’s Association.

4. Pursuant to section 51(m) of the Planning Act, the consent authority must take into account the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose.

No land capability issues were identified during assessment of the application. 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.

5. 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 general industry and ancillary office use development such that the development is considered to meet the purpose of Zone GI (General Industry) in providing for a diversity of general industry use. The proposed development is considered to be consistent with the provisions of the zone.

**ACTION:** Notice of Consent and Development Permit
SUBDIVISION TO CREATE 18 LOTS
LOT 12006 (26) FUHRMANN STREET, TOWN OF NIGHTCLIFF
EARL JAMES AND ASSOCIATES

Mr Kevin Dodd (Earl James and Associates) and Mr Chris Grimm (DHA) attended.

RESOLVED
41/17

That, pursuant to section 53(a) of the Planning Act, the Development Consent Authority consent to the application to develop Lot 12006 (26) Fuhrmann Street, Town of Nightcliff, for the purpose of a subdivision to create 18 lots, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a schematic plan demonstrating that all stormwater can be collected on the site and discharged, in accordance with the requirements of the City of Darwin’s guidelines and technical requirements, to the written approval of the City of Darwin to the satisfaction of the consent authority.

2. 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 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

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

4. The subdivision as shown on the endorsed plans must not be altered without the further consent of the consent authority.

5. 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.

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

9. All proposed roads and public open space reserves to be created on the plan of subdivision submitted for approval by the Surveyor General must be dedicated to the City of Darwin.

10. The inclusion of a design covenant that future development is required to comply with, is to be registered on the title of each lot which enforces compliance with zone SD23 of the Northern Territory Planning Scheme, in particular subclauses 2(d), 2(e), 2(f) and 2(g), to the satisfaction of the consent authority.

11. Any planting or construction activity within any easement or within road reserves adjacent to assets of any public agency or authority shall conform to the requirements of the relevant agency or authority to the satisfaction of the consent authority.

12. Engineering design and specifications of the proposed and affected roads, including street lighting, stormwater drainage, vehicular access, pedestrian/ cycle corridors, streetscaping and landscaping of nature strips are to be to the technical requirements of the City of Darwin, to the satisfaction of the consent authority and all approved works constructed at the permit holder's expense.

13. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the City of Darwin, to the satisfaction of the consent authority.

14. 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.

15. All access roads are to be constructed, operated and maintained so as not to create a nuisance from dust or other particulates.

16. The developer is to ensure that all development work is undertaken in a manner that prevents the creation of a public health nuisance from dust or other particulate matter.

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

18. Confirmation shall be provided to Development Assessment Services (in the form of an email addressed to the Power and Water Corporation) demonstrating that the Power and Water Corporation has been provided with a
copy of the survey plan with the new lot numbers. This is for the purpose of ensuring the relevant Power and Water Information and Billing System is updated. Please provide a copy of an email addressed to both landdevelopmentnorth@powerwater.com.au and powerconnections@powerwater.com.au.

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

3. 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 8995 5354. The numbers shown on the plans endorsed as forming part of this permit are indicative only and are not for addressing purposes.

4. 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.

5. The developer shall have regard to the City of Darwin’s Subdivision and Development guidelines.

6. 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.

7. Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority’s Noise Guidelines for Development Sites in the Northern Territory. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to
Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

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 generally compliant with the applicable controls of Zone SD23 (Specific Use No. 23 – Darwin) of the Northern Territory Planning Scheme and generally follows the design pattern and presentation of previous stages of Muirhead.

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.

The site is currently zoned SD23 which provides for the development of a residential estate. The subdivision of Lot 12006 will reduce the overall density of the site by 6 dwellings. Assessment of the original application considered that the development is suitable for the area. The changes proposed are considered unlikely to have any adverse impact on the amenity of residents of the development or adjoining or nearby land uses.

3. 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.

Conditions precedents on the development permit require a stormwater management plan and an erosion and sediment control plan. 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.

3. Pursuant to Section 51 (j) of the Planning Act, the consent authority must consider 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.

The application was circulated to the Department of Environment and Natural Resources and the NT EPA, and no land constraints were identified, provided that an Erosion and Sediment Control Plan is

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implemented during the construction phase of the development. The developer also will have responsibilities to control noise (given residential uses are located nearby) and general environmental duties.

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

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

[Signature]

DOUG PHILLIPS
Delegate

30/3/17

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