DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 261 – FRIDAY 4 SEPTEMBER 2015

BROLGA ROOM
NOVOTEL DARWIN ATRIUM
100 THE ESPLANADE
DARWIN

MEMBERS PRESENT: Denis Burke (Chairman), Grant Tambling, Ross Baynes, Bob Elix and Robin Knox

APOLOGIES: Garry Lambert

OFFICERS PRESENT: Kate Walker (A/Secretary), Sally Cunningham, Adelle Godfrey, Ann-Marie Dooley and Jennifer Ryan (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil.

Meeting opened at 9.30 am and closed at 11.25 am
ITEM 1
INDEPENDENT UNIT EXCEEDING 50M²
PA2015/0516
LOT 11781 (13) TUNER STREET, TOWN OF NIGHTCLIFF
APPLICANT
BRIDGETTE BELLINGER AND ROBERT CROWELL

Mr Robert Crowell and Ms Bridgette Bellenger attended.

RESOLVED 243/15

That, the Development Consent Authority vary the requirements of Clause 7.10.4 (Independent Units) of the Northern Territory Planning Scheme, and pursuant to Section 53(a) of the Planning Act, consent to the application to develop Lot 11781 (13) Turner Street, Town of Nightcliff for the purpose of an independent unit with a floor area in excess of 50m², subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with drawings numbered 2015/0516/01 and 2015/0516/03, endorsed as forming part of this permit.

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

NOTES

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

2. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from Department of Land Resource Management.

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 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.
4. The applicant is advised to engage a building certifier, within the meaning of the Building Act, as to whether the building/s comply with the Building Act and associated Regulations.

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 purpose of Zone SD23 (Specific Use Zone 23), to ‘facilitate the subdivision, use and development of the land as a residential estate that provides for housing choice through a range of lot sizes and housing types’.

2. A variation to the requirements of Clause 7.10.4 (Independent Units) for the development of an independent unit which exceeds 50m² is considered acceptable in this instance given the large size of the site; the location of the independent unit towards the rear of the site; the achievement of required setbacks to adjacent properties and the single storey nature of the building. Overall the proposal is unlikely to cause any unreasonable impact on the amenity of adjacent properties or nearby properties.

ACTION: Notice of Consent and Development Permit

ITEM 2 PA2015/0506

WAREHOUSE AND SHOWROOM ADDITION INCLUDING ALTERATIONS TO AN EXISTING WAREHOUSE

SECTIONS 5393 AND 5394 (82 & 80) WINNELLIE ROAD, HUNDRED OF BAGOT

APPLICANT DAVID WHITEHEAD

Mr David Whitehead attended the meeting.

RESOLVED 244/15

That, pursuant to Section 53(a) of the Planning Act, the Development Consent Authority consent to the application to develop Sections 5393 and 5394 (82 & 80) Winnellie Road, Hundred of Bagot, for the purpose of a warehouse and showroom addition including alterations to an existing warehouse, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of works (including site preparation), a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Darwin stormwater drainage system shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority. The plan shall include details of site levels and Council’s stormwater drain connection point/s or alternate approved connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected

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underground to Council’s system or an alternate approved connection.

2. 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 and the Department of Health, to the satisfaction of the consent authority.

3. 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.

4. Prior to the commencement of works (including site preparation), the applicant is to prepare an Environmental Construction Management Plan (ECMP) to the requirements of the City of Darwin, to the satisfaction of the consent authority. The ECMP is to address how construction will be managed on the site, and is to include details of waste management, traffic control and haulage routes, stormwater drainage and the use of City of Darwin land.

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 DLRM. The ESCP is to be developed by a suitably qualified and experienced professional in erosion and sediment control planning and the IECA Best Practice Erosion and Sediment Control Guidelines 2008 may be referenced as a guide to the type of information, detail and data that should be included in the ESCP. 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 and the DLRM website: http://lrm.nt.gov.au/soil/management.

GENERAL CONDITIONS

6. The works carried out under this permit shall be in accordance with the drawings numbered 2015/0506/01 to 2015/0506/04 inclusive, endorsed as forming part of this permit.

7. An Occupancy Permit under the Building Act must not be issued until Section 5393 and 5394, Hundred of Bagot have been consolidated and a new title issued for the consolidated lot.

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

9. 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.

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10. 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.

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

12. All kerb crossovers and driveways are to meet the technical standards of the City of Darwin as required, to the satisfaction of the consent authority.

The owner shall:
- remove disused vehicle and/or pedestrian crossovers;
- provide footpaths/cycleways;
- collect stormwater and discharge it to the drainage network; and
- undertake reinstatement works;

all to the technical requirements of and at no cost to the relevant authority, to the satisfaction of the consent authority.

13. Before the use of the development starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
- constructed;
- properly formed to such levels that they can be used in accordance with the plans;
- surfaced with an all-weather-seal coat;
- drained;
- line marked to indicate each car space and all access lanes; and
- clearly marked to show the direction of traffic along access lanes and driveways;

to the satisfaction of the consent authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.

14. 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.

15. 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.

16. 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.

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

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

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

3. The applicant is advised to engage a building certifier, within the meaning of the Building Act, as to whether the building complies with the Building Act and associated Regulations.

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.

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 development complies with all relevant provisions of the Northern Territory Planning Scheme and is generally consistent with the primary purpose of Zone GI (General Industry) which is to provide for general industrial uses.

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.

The site is generally considered capable of accommodating the proposed development. The site is located in a well-established industrial area and Sections 5393 and 5394 are identified as being suitable for development for general industrial purposes. No land capability issues were identified as part of this assessment.
3. Pursuant to section 51(m) of the Planning Act, the consent authority must take into consideration 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.

The revised drawings submitted by the applicant address the concerns outlined in Council comments, in addition, the requirement for the developer to submit a dilapidation report, a schematic Stormwater plan, a waste management plan and an Environment Construction and Management Plan will help to ensure that remaining issues raised by council are properly assessed and managed for both the constructions and operational stages of the development.

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

**ITEM 3**
**PA2015/0526**
**APPLICANT**
NORTHERN PLANNING CONSULTANTS

Mr Brad Cunnington (Northern Planning Consultants) attended.

**RESOLVED**
245/15

That, pursuant to section 53(a) of the Planning Act, the Development Consent Authority consent to the application to develop Lot 8657 (259) Casuarina Drive, Town of Nightcliff for a subdivision for the purpose of a lease in excess of 12 years, subject to the following conditions:

**GENERAL CONDITIONS**

1. The subdivision carried out under this permit shall be in accordance with the drawing number 2015/0526/01, endorsed as forming part of this permit.

2. 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.

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

**NOTES**

4. 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.

REASONS FOR THE DECISION

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

All matters in section 51 of the Planning Act have been suitably addressed in the application, and it is considered that the subdivision for a lease in excess of 12 years over Lot 8657, Town of Nightcliff, will not impinge on the useability of the remainder of the allotment or surrounding premises, and does not compromise the purpose of Zone OR (Organised Recreation). The development complies with the relevant provisions for subdivision under the Northern Territory Planning Scheme.

2. Pursuant to Section 51(e) of the Planning Act, the consent authority must take into consideration any public submissions made under section 49, and any evidence or information received under section 50, in relation to the development application.

One public submission was received during the exhibition period under Section 49 of the Planning Act with respect to the proposal. The submission questioned the appropriateness of the land for the use as a restaurant (café). It is considered that these concerns were suitably addressed during the assessment of PA2015/0131 for the purpose of a restaurant in a single storey building and do not require further consideration as part of the proposed subdivision for the purpose of a lease in excess of 12 years.

ACTION: Notice of Consent and Development Permit
ITEM 4 PA2015/0515
SUBDIVISION TO CREATE THREE LOTS
SECTION 4195 (740) STUART HIGHWAY & SECTION 4989 (93) PRUEN ROAD,
PORTION 1168 (29) MAKAGON ROAD & PORTION 1238, HUNDRED OF
BAGOT
APPLICANT LAND RELEASE UNIT AND LAND ECONOMIC DEVELOPMENT

Mr Kenny Grant (Land Release Unit and Land Economic Development) attended the
meeting.

RESOLVED 246/15
That, the Development Consent Authority vary the requirements of Clauses 11.1.1
(Minimum Lot Sizes and Requirements) and pursuant to section 53(a) of the Planning
Act, consent to the application to develop Portions 1238 & 1168 (29) Makagon Road,
and Sections 4195 (70) Stuart Highway and 4989 (93) Pruen Road, Hundred of Bagot
for the purpose of subdivision and consolidation to create 3 lots, subject to the
following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with drawing
2015/0515/01 endorsed as forming part of this permit.

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

3. 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.

NOTES

1. 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.

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

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 subdivision aligns with the purpose of
Zone FD (Future Development) in comprising an interim zone which identifies an area intended for future rezoning and development in accordance with an Area Plan, being the Berrimah Farm Planning Principles and Area Plan included at Clause 14.1.4 of the Planning Scheme, and for uses and development (including subdivision) which does not prejudice future development. No potential future non-compliances were identified that would occur as a result of the subdivision.

2. A variation to the requirements of Clause 11.1.1 (Minimum Lot Sizes and Requirements) is considered acceptable as Clause 11.1.3 (Subdivision of Land Zoned FD) provides that land in Zone FD may be subdivided generally in accordance with any relevant Area Plan for urban development once services are, or can be made available to that land, and that despite anything contrary in the Planning Scheme, the consent authority may permit subdivision into lots of a size and configuration consistent with the intended ultimate zoning of the land. The subdivision creates large parcels to facilitate the further planning and development, with the proposed boundaries aligning with the identified uses and features on the Berrimah Farm Area Plan. The subdivision proposes no changes to existing servicing or access arrangements, with further development including subdivision requiring consent and the provision of service infrastructure at that time.

3. 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 subdivision is not expected to impact on identified drainage lines, and is not known to be affected by storm surge. As the proposed subdivision is administrative only and proposes no physical changes, no effect is anticipated on adjoining land. Further subdivision and development will be required to minimise the off-site impacts of concentrated stormwater runoff to ensure that the capacity of downstream infrastructure is not exceeded and that the quality of stormwater does not unreasonably impact the receiving environment, and take into account natural features including drainage lines, the slope of the land, and any necessary remediation measures.

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 and services to be provided by the developer. The subdivision proposes no on-ground works or changes to existing service provision or access arrangements and comments from service authorities have been sought. Standard conditions have been included on the permit relating to service connections and for the reflection of easements on the plan of subdivision submitted for approval by the Surveyor General, to ensure the appropriate arrangements have been reached with service
authorities with regard to the use of existing service provision and access to the created lots, until such time that a future development or subdivision application is submitted.

5. Pursuant to section 51(e) of the Planning Act, the consent authority must take into account any submissions received under section 49. One public submission was received in response to the exhibition of the proposal. The key issues raised in the submission related to the situation of the land in Zone FD (Future Development) and the importance of future planning and development to occur in an integrated manner. The Planning Scheme allows for the subdivision and development of Zone FD where it accords with an Area Plan. The subdivision will facilitate the comprehensive master planning of the underutilised land at the site. The Berrimah Farm Area Plan provides detailed principles for the future master planning and development which will be relevant to future applications.

6. In making its determination, the applicant is requested to ensure that the Authority remain fully consulted throughout the Berrimah Farm masterplanning to ensure compliance with the Planning Principles and Area Plan, and that appropriate consideration be given to requirements for open space and community facilities.

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

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**ITEM 5**  
**PA2015/0465**  
**SUBDIVISION TO CREATE 89 LOTS IN 2 STAGES**

**SECTION 7202 (56) JESSOP CRESCENT & SECTION 4262 (74) AMY JOHNSON AVENUE, HUNDRED OF BAGOT**

**APPLICANT** NORTHERN PLANNING CONSULTANTS

Mr Brad Cunnington was present on behalf of Northern Planning Consultants, with Matthew Moss from Berrimah Holdings Pty Ltd.

**RESOLVED** 247/15

That, pursuant to section 46(4)(b) of the Planning Act, the Development Consent Authority defer consideration to develop Section 7202 (56) Jessop Crescent, Hundred of Bagot for the purpose of a subdivision to create 89 lots in 2 stages, to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

- Land owner authorisation from the Power and Water Corporation for the discharge of additional stormwater flows resulting from the subdivision onto Lot 2237 Hundred of Bagot; and

- Demonstration of resolution of issues identified by the Department of Transport in its technical comments of 14 July 2015 regarding proposed access arrangements, on the advice of both the Department of Transport and the Land and Economic Development division of the Department of Lands, Planning and the Environment;

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RESOLVED 248/15

That, pursuant to section 86 of the Planning Act, the Authority delegates to the Chairman, or in the Chairman’s absence any one of the other members of the Darwin Division the power under section 53 of the Act to determine the application to develop Section 7202 (56) Jessop Crescent, Hundred of Bagot for the purpose of a subdivision to create 89 lots in 2 stages, subject to:

- Land owner authorisation from the Power and Water Corporation for the discharge of additional stormwater flows resulting from the subdivision onto Lot 2237 Hundred of Bagot; and

- Demonstration of resolution of issues identified by the Department of Transport in its technical comments of 14 July 2015 regarding proposed access arrangements, on the advice of both the Department of Transport and the Land and Economic Development division of the Department of Lands, Planning and the Environment;

REASONS FOR THE DECISION

1. Pursuant to section 46(4)(b) of the Planning Act, the Development Consent Authority may defer consideration of an application to enable the applicant to provide additional information that the consent authority considers necessary. Additional information is necessary to ensure that appropriate land owner authorisation is obtained, and access arrangements resolved.

2. Noting the information presented by the applicant, including in relation to the practicalities and costs associated with the provision of underground electricity reticulation to industrial subdivisions, and given the location of the land being separated from major roads and nearby to existing subdivisions with above ground electricity, the Authority considers it appropriate to remove the requirement for underground electricity reticulation for this development. The Authority notes advice from Power and Water Corporation in ensuring the Department of Defence and Darwin International Airport are satisfied with the provision of above ground electricity.

ACTION: Advice to Applicant