



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 231 – FRIDAY 9 MAY 2014

BROLGA ROOM
NOVOTEL DARWIN ATRIUM
100 THE ESPLANADE
DARWIN

MEMBERS PRESENT: Peter McQueen (Chairman), Grant Tambling, Ross Baynes, Robin Knox and Jeanette Anictomatis

APOLOGIES: Garry Lambert

OFFICERS PRESENT: Margaret Macintyre (Secretary), Linda Henning, Sally Cunningham and Dawn Parkes (Development Assessment Services)

COUNCIL REPRESENTATIVE: Cindy Robson (Strategic Town Planner)

Meeting opened at 9.45 am and closed at 11.30 am

THE MINUTES RECORD OF THE EVIDENTIARY STAGE AND THE DELIBERATIVE STAGE ARE RECORDED SEPARATELY. THESE MINUTES RECORD THE DELIBERATIVE STAGE. THE TWO STAGES ARE GENERALLY HELD AT DIFFERENT TIMES DURING THE MEETING AND INVITEES ARE PRESENT FOR THE EVIDENTIARY STAGE ONLY.

ITEM 1 **CHANGES TO DP13/0895 TO ALLOW CHANGES TO THE NUMBER OF**
PA2014/0218 **DWELLINGS AND AN INCREASED BUILDING HEIGHT (BUILDING 1) RESULTING**
IN REFURBISHMENT OF THE EXISTING MOTEL PLUS 28 X 2 AND 14 X 1
BEDROOM SERVICED APARTMENTS IN AN 8 STOREY BUILDING PLUS 8 X 3, 36
X 2 AND 4 X 1 BEDROOM MULTIPLE DWELLINGS IN A 13 STOREY BUILDING,
PLUS GROUND LEVEL AND 3 BASEMENT LEVELS OF PARKING
LOTS 1287 & 1288 (1 & 2) MONTORO COURT AND LOTS 1296 & 1295 (7 & 8)
PACKARD PLACE, TOWN OF DARWIN
APPLICANT **NORTHERN PLANNING CONSULTANTS**

Mr Brad Cunnington (Northern Planning Consultants), Ms Jo Best (Troppo Architects) and Mr Peter La Pira (owner) attended.

RESOLVED That, the Development Consent Authority vary the requirements of Clauses 6.5.3
101/14 (Parking Layout), 6.6 (Loading Bays) and 7.3.1 (Additional Setback Requirements for
Residential Buildings Longer than 18m and for Residential Buildings Over 4 Storeys in
Height) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of
the *Planning Act*, consent to the application to develop Lots 1287, 1288, 1295 and
1296, (1-2) Montoro Court and (7-8) Packard Place, Town of Darwin, for the purpose
of Changes to DP13/0895 to allow changes to the number of dwellings and an
increased building height (building 1) resulting in refurbishment of the existing motel
plus 28 x 2 and 14 x 1 bedroom serviced apartments in an 8 storey building plus 8 x
3, 36 x 2 and 4 x 1 bedroom multiple dwellings in a 13 storey building, plus ground
level and 3 basement levels of 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 and further information to the satisfaction of the consent authority must be submitted to and approved by the consent authority and must include:
 - a) Provision of one additional loading bay on the site located such that it can service all uses on the property and that complies with the minimum dimensions specified in Clause 6.6 (Loading Bays). This loading bay is to be provided in addition to the existing loading area approved through DP13/0895 and as amended through this permit;
 - b) Removal of the alfresco areas shown to be provided within the Smith Street road reserve (controlled by the City of Darwin); and
 - c) Confirmation from Power and Water Corporation that the sewer easement has been appropriately extinguished or relocated. This is to be undertaken to the requirements of Power and Water Corporation, to the satisfaction of the consent authority. Following extinguishment/relocation of Power and Water Corporation's sewer easement, a new survey plan will need to be obtained from the Land Titles Office and issued to the consent authority.

2. 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 all stormwater can be collected on the site and discharged to Council's stormwater drainage system, to the requirements of City of Darwin, to the satisfaction of the consent authority.
3. Prior to the endorsement of plans and 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 the haulage of excavated and new materials, traffic management for construction vehicles, fencing and hours of construction.
4. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a traffic impact assessment report prepared in accordance with the Austroads document 'Guide to Traffic Management Part 12: Traffic Impacts of Developments'. The report must outline changes that will be required to the surrounding road network and address vehicular, pedestrian, cyclist and public transport issues and opportunities, and is to include swept paths for waste collection vehicles entering and exiting the site. The report is to be to the approval of the City of Darwin, to the satisfaction of the consent authority.
5. Prior to the commencement of works (including site preparation) a waste management plan in accordance with Council's Waste Management Policy is required to be submitted, to the requirements of the City of Darwin, to the satisfaction of the consent authority.

GENERAL CONDITIONS

6. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
7. An Occupancy Permit under the Building Act shall not be granted until such time as Lots 1287, 1288, 1295 and 1296, Town of Darwin, have been consolidated and a new title issued in respect of that consolidated allotment.
8. All works recommended by the Traffic Impact Assessment report are to be completed to the requirements of the City of Darwin, to the satisfaction of the consent authority.
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.
10. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity, and telecommunication networks to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

11. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the Council, to the satisfaction of the consent authority.
12. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of, and be at no cost to the City of Darwin, to the satisfaction of the consent authority.
13. 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, and to the satisfaction of the consent authority.
14. Before the use or occupation of the development starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat; and
 - (d) drained;to the satisfaction of the consent authority.
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
15. 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.
16. Before the use/ occupation of the development starts, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
17. 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.
18. 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.

19. 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.
20. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.
21. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
22. Each dual-key dwelling is to remain within the one unit entity (single ownership/single title) in the event that the development is unit titled.

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, all signage is subject to City of Darwin approval, at no cost to the City of Darwin.
3. 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 General Manager of Infrastructure, City of Darwin and at no cost to Council.
4. 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.
5. Approval must be submitted to the Department of Defence for any cranes used during construction that will infringe on either the Obstacle Limitation Surfaces (OLS) or Procedures for Air Navigation – Operations (PAN-OPS) surfaces for Darwin Airport.
6. Separate approval may be required from the Department of Defence under regulation 10 of the Defence (Areas Control) Regulations (DACR). Until such time as an approval is obtained the applicant is not to construct any structure on the site that exceeds 45m above ground level. Please refer to regulation 8 of the DACR, which outlines the application process and the information

required. A copy of the regulation can be obtained at <http://www.comlaw.gov.au>.

7. The developer is required to contact 'Dial Before You Dig' on 1100 to obtain a location of the Telstra Network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.
8. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities.

REASONS FOR THE DECISION

1. The development is consistent with the primary purpose of zone TC (Tourist Commercial), to "Provide for uses or development servicing tourism, including commercial and residential activities", noting the retention of the existing motel use and development and the intensification of accommodation options across the site.
2. The proposed amendments are seen to continue to be consistent with the purpose of clause 5.10 (Zone TC – Tourist Commercial), by providing development considered to be "of a scale and character that is compatible with uses or development nearby", given the context of the site's proximity to the CB (Central Business) zone and the existence of a number of mid to high rise buildings (six to nine storeys) within close proximity. The additional level to Building 1 is consistent with the Authority's previous consideration that the buildings proposed are 'fairly open in nature and the articulation and interest provided by this design, through its varied heights and 'tropical' features, are seen as positive aspects'.
3. A variation to clause 7.3.1 (7.3.1 (Additional Setback Requirements for Residential Buildings Longer than 18m and for Residential Buildings Over 4 Storeys in Height) of the Northern Territory Planning Scheme is considered appropriate as the additional storey is consistent with the setbacks approved for the remainder of the building. The overall design of the eighth storey is consistent with the design of each of the other storeys that were previously considered by the Authority to be 'open and tropical despite their multi-level nature' and generally in keeping with the purpose of clause 7.3 and 7.3.1 which suggest the inclusion of features such as this in the design of residential buildings. Requiring a compliant or increased setback for the eighth floor alone is likely to appear out of character with the design of the rest of the building. The additional storey takes Building 1 to a comparable height with the existing water tower located directly adjacent and existing building on Packard Place across the road, and is still well below the overall height of the 13-storey building which is also approved on the site.

4. The requirement to provide the additional loading bay required by Clause 6.6 (Loading Bays) of the NT Planning Scheme on the property is expected to ensure the development is provided with sufficient loading areas to support the residential, motel and non-residential components of the land use without impacting on the surrounding road network or reliance on on-street car parking.

ACTION: Notice of Determination

ITEM 2
PA2014/0136

RECLAMATION INCLUDING COASTAL LANDFILL, MARITIME AND WATERFRONT INDUSTRY (INCLUSIVE OF WORKSHOPS) AND SHOWROOM SALES IN 3 X SINGLE STOREY BUILDINGS
LOT 6503 & 6504 (66 & 64) FRANCES BAY DRIVE, TOWN OF DARWIN
NORTHERN PLANNING CONSULTANTS

APPLICANT

Mr Brad Cunnington (Northern Planning Consultants), Mr Chauncey Hammond (Tasmanian Seafoods), Mr Ian Fanning (NT Director, Tasmanian Seafoods), Mr Craig Sanders (Structural Manager, SKM Darwin) and Mr David Jones (DKJ Projects. Architecture) attended.

Submitters who sent their apologies:- Mr Bruce West.

Submitters in attendance:- Ms Katrina Harding and Mrs Heather West.

RESOLVED
102/14

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lots 6503 and 6504 (66 and 64) Frances Bay Drive, Town of Darwin for the purpose of reclamation including coastal landfill, maritime and waterfront industry (inclusive of workshops) and showroom sales in 3 x single storey buildings subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of works, a qualified person, under section 68 of Waste Management and Pollution Control Act , must provide a report that validates the findings of the Hydrodynamic Review DB05862 prepared by JACOBS SKM that is to be submitted to and accepted by the consent authority on the advice of the NT Environment Protection Authority.
2. Prior to the commencement of works, remote sensing surveys of the seabed in proposed Lot 8913 are to be carried out to determine whether there are any anomalies that may be historic features. The results of the surveys should be submitted to and approved by Heritage Division, Department of Lands, Planning and the Environment, to the satisfaction of the consent authority (for further requirements in relation to any identified features refer to Condition Precedent 4).
3. Prior to the commencement of works (including site preparation), all works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the satisfaction of the consent authority.

4. Prior to the commencement of works, a revised Construction Environmental Management Plan (CEMP) for the management and operation of the use must be prepared to the requirements of an independent suitably qualified professional and submitted to and approved by the consent authority upon the advice of the NT Environment Protection Authority (EPA) and the Department of Land Resource Management (DLRM), Department of Health (DoH), Department of Lands, Planning and the Environment (DLPE) (as the case may be). When approved, the CEMP will be endorsed and will then form part of the permit. The CEMP must include (but is not limited to):
- (a) overall environmental objectives for the operation of the use and techniques for their achievement;
 - (b) procedures to ensure that no significant adverse environmental impacts occur as a result of the use;
 - (c) proposed monitoring systems;
 - (d) identification of possible risks of operational failure and response measures to be implemented;
 - (e) a clear indication of the proposed reclamation methodology;
 - (f) measures that will be implemented to ensure that the water quality of Darwin Harbour is protected;
 - (g) demonstrate installation of a truck wheel wash in an appropriate location so vehicles leaving the site do not deposit mud or other materials on roadways
 - (h) day to day management requirements for the use including the following subdocuments:
 - (i) a Biting Insect Management Plan outlining measures that would be taken to prevent ponding and mosquito breeding during the construction phase (DoH);
 - (ii) an Acid Sulfate Soils Management Plan (DLRM);
 - (iii) an Erosion and Sediment Control Plan (ESCP), including details and location of stormwater drains, is to be prepared to the requirements of an independent suitably qualified professional and submitted to and approved by the consent authority on the advice of the Department of Land Resource Management and City of Darwin, and an endorsed copy of the Plan will form part of this permit; and
 - (iv) a Water Quality Monitoring Plan which includes monitoring of both surface water and groundwater and is designed to detect water quality impacts associated with the proposed development (NT EPA).
 - (v) a Waste Management Plan that provides details of adequate facilities for the disposal of hard waste and other liquid waste, including waste oil, hazardous or toxic waste must be submitted to and approved by Environmental Health, Department of Health and the City of Darwin (as the case may be) to the satisfaction of the consent authority;
 - (vi) Construction Traffic Management Plan detailing proposed haulage routes, vehicle types, traffic control, use of City of Darwin and DoT land during construction, protection of existing assets and a risk assessment shall be submitted to and approved by the Transport Infrastructure Planning Division of Department of Transport, and the City of Darwin to the satisfaction of the consent authority;
 - i) management of any identified historic features that may be identified by the remote sensing survey required by Condition Precedent 2 to the requirements of the Heritage Division, DLPE; and

- j) management of fill to be accepted and used in the filling of the land (EPA)
- 5. Prior to the commencement of works, 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. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system.
- 6. Prior to the commencement of works, confirmation that a Crown lease has been issued over proposed Lot 8913 must be submitted to the satisfaction of the consent authority.

GENERAL CONDITIONS

- 7. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
- 8. The use must at all times be conducted in accordance with the endorsed CEMP to the satisfaction of the consent authority.
- 9. The owner of the land must ensure that only clean fill (virgin excavated natural material) or inert fill is accepted and that the inert fill has been adequately assessed as being suitable for its intended use.
- 10. Prior to the commencement of works related to the future use and development (not including site preparation or reclamation), a comprehensive Traffic Impact Assessment (TIA) Report for the operational phase of the approved development is to be prepared to the requirements of City of Darwin and the Transport Infrastructure Planning Division of Department of Transport to the satisfaction of the consent authority.
- 11. Prior to the commencement of the use any upgrades or works identified as being required by the TIA Report are to be carried out to the requirements of CoD and DoT (as the case may be) at the cost of the developer to the satisfaction of the consent authority.
- 12. Lot 6503, 6504 and proposed Lot 8913 (and any subsequent titled lot including these lands) are not to be used for residential purposes without the further consent of the consent authority and more specifically in relation to Clause 6.14. (Land subject to flooding and storm surge)
- 13. Before the use/occupation of the development starts, a Waste Management Plan addressing the City of Darwin's Waste Management Policy 054 as well as the requirements of the Environmental Health branch of Department of Health, must be prepared to the requirements of the City of Darwin and the Environmental Health branch of Department of Health, 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 drainage, electricity, water, sewerage and telecommunications services to the land shown on the endorsed plan 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 service authority to the satisfaction of the consent authority.
16. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to City Darwin to the satisfaction of the consent authority.
17. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into City of Darwin drains or to the harbour.
18. Before the use/occupation of the development starts the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
19. 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.
20. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of City of Darwin, to the satisfaction of the consent authority.
21. 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 and to the satisfaction of the consent authority.
22. Any security boom, barrier or similar device controlling vehicular access to the premises must be located a minimum of six metres inside the property to allow vehicles to stand clear of Frances Bay Drive pavement and footpath.
23. 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.
24. Before the use/occupation of the development starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat;

- (d) drained;
 - (e) line marked to indicate each car space and all access lanes; and
 - (f) clearly marked to show the direction of traffic along access lanes and driveways;
- to the satisfaction of the consent authority.
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
25. 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 clients.
26. All air conditioning condensers 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.
27. Prior to the commencement of the approved use, a qualified person, under section 68 of Waste Management and Pollution Control Act , must provide certification that the site is suitable for its intended future use(s).
This certification is to be submitted to and accepted by the consent authority on the advice of the NT Environment Protection Authority.
28. Before the use/occupation of the development starts, a Site Management Plan must be prepared and submitted to the satisfaction of the consent authority. When approved, the Site Management Plan will be endorsed and will then form part of the permit.
29. The use must at all times be in accordance with the endorsed Site Management Plan, to the satisfaction of the consent authority.
30. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
- (a) transport of materials, goods or commodities to or from the land
 - (b) appearance of any building, works or materials
 - (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil
 - (d) presence of vermin.

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. The Power and Water Corporation advises that Lots 6503 and 6504 must be consolidated as only one point of power supply will be provided for the

proposed development. The developer shall be responsible for the cost of establishing an appropriate power supply to the development.

3. The NT Environment Protection Authority advises that construction work should be conducted in accordance with its 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. A "Permit to Work Within a Road Reserve" may be required from the Department of Transport or City of Darwin before commencement of any work within, or impacting upon the Tiger Brennan Drive road reserve. A "Permit to Work Within a Road Reserve" may be required from City of Darwin before commencement of any work within local road reserves.
5. The permit holder is advised that it is an offence to disturb or destroy prescribed archaeological places without consent under the Heritage Conservation Act. Should any heritage or archaeological material be discovered during the reclamation operation, cease operation and please phone Heritage Conservation Services of the Department of Lands, Planning and the Environment.
6. 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.
7. Any floodlighting or security lighting provided on site should be shielded in a manner to prevent the lighting being noticeable or causing nuisance to Tiger Brennan Drive traffic and nearby residential development.

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 SD10, to 'encourage the development of a mixed use area of medium density residential and commercial uses that are related to the waterfront and a limited expansion of the existing waterfront and maritime industrial activities'.

2. 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 and pursuant to section 51(j) of the *Planning Act*, the consent authority must also 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.

Precedent and general conditions on the development permit require: a schematic stormwater management plan, a traffic impact assessment report, an erosion and sediment control plan, a construction environmental management plan, a construction traffic management plan and a waste management plan. 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; address concerns raised by service authorities; and, ensure utility and infrastructure requirements are appropriately addressed. Furthermore, a condition requiring a qualified person, under section 68 of *Waste Management and Pollution Control Act*, to provide certification that the site is suitable for its intended uses will ensure that the land is capable of supporting the proposed development.

3. A condition precedent requiring a qualified person, under section 68 of *Waste Management and Pollution Control Act*, to validate the findings of the Hydrodynamic Review DB05862 prepared by JACOBS SKM has been requested by the NT Environment Protection Authority and is necessary to ensure that the proposed development will not exacerbate sedimentation.
4. A condition precedent requiring confirmation that the tenure has been finalised over proposed Lot 8913 is necessary to ensure that no works commence on proposed Lot 8913 until a Crown Lease has been issued.
5. A condition precedent requiring details of adequate facilities for the disposal of other liquid waste, including waste oil, hazardous or toxic waste is necessary to ensure compliance with Environmental Health Legislation.
6. A condition precedent requiring remote sensing surveys of the seabed in the proposed project area to be carried out is considered necessary to determine whether there are any anomalies that may be historic features, and to ensure that these features can be assessed before the development commences.
7. The requirement for consent to be sought prior to the properties being used for residential purposes relates back to Clause 6.14 (Land Subject to Flooding and Storm Surge) and Clause 14.1.3 (Frances Bay Planning Principles), to ensure that appropriate site and floor levels are achieved.
8. The requirement for a Site Management Plan is to ensure the ongoing operation of the site is in accordance with the approved use and does not affect the amenity of the area in which the land is situated.

ACTION: Notice of Consent and development Permit

ITEM 3
PA2014/0226
APPLICAN

4 X 4 BEDROOM MULTIPLE DWELLINGS IN 2 X 2 STOREY BUILDINGS
LOT 1336 (1) MARELLA STREET, TOWN OF DARWIN
SAVVAS ARCHITECT

Mr Savvas Savvas (Savvas Architect), Mr John & Mrs Sara Alexopoulos (developers) attended.

Submitters who sent their apology: Mr Neil Philip.

Submitters in attendance:- Mr Chris & Mrs Phillipa Tzziolis (Chair of Larrakeyah Primary School Council), Mrs Suzanne Philip, Ms Katie Ambrose-Pearce and Mr Peter Newbery.

Mrs Phillipa Tzziolis tabled a copy of the Larrakeyah Primary School booklet on Safe routes to Schools Assessment and Road Safety Audit 24/9/12.

RESOLVED
103/14

That, pursuant to section 464(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 1336 (1) Marella Street, Town of Darwin for the purpose of 4 x 4 bedroom multiple dwellings in 2 x 2 storey buildings 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:

- Confirmation of whether or not an existing traffic impact assessment has been carried out in relation to the subject lot, and if so to provide the results of that assessment in relation to the proposed development.

ACTION: Advice to applicant

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



PETER MCQUEEN
Chairman

12/5/14