



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 242 – FRIDAY 24 OCTOBER 2014

**BROLGA ROOM
NOVOTEL DARWIN ATRIUM
100 THE ESPLANADE
DARWIN**

MEMBERS PRESENT: Grant Tambling (Deputy Chairman), Bob Elix and Robin Knox

APOLOGIES: Denis Burke(Chairman), Garry Lambert and Ross Baynes

OFFICERS PRESENT: Margaret Macintyre (Secretary), Hanna Stevenson, Adelle Godfrey and Dawn Parkes (Development Assessment Services)

COUNCIL REPRESENTATIVE: Cindy Robson, Strategic Town Planner, (Item 4 only)

Meeting opened at 9.00 am and closed at 10.15 am

ITEM 2
PA2014/0660
APPLICANT

4 X 3 & 3 X 4 BEDROOM MULTIPLE DWELLINGS IN 3 X 3 STOREY BUILDINGS
LOT 6873 (6) ANNEAR COURT, TOWN OF DARWIN
YELLOWCITY PTY LTD

Mr Terry Nixon (YellowCity Pty Ltd) attended.

Submitter Ms Jacqueline Travia sent her apology.

RESOLVED
248/14

That, the Development Consent Authority vary the requirements of Clause 7.5 (Private Open Space) of the Northern Territory Planning Scheme, and pursuant to Section 53(b) of the *Planning Act*, alter the proposed development and consent to the proposed development as altered to develop Lot 6873 (6) Annear Court, Town of Darwin for the purpose of a 7 x 3 bedroom multiple dwellings in 3 x 2 storey buildings, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) Changes to the plans to accommodate screening that allows breeze movement to the upper level boundary where a solid wall is not required for fire rating requirements
 - (b) Changes to the site and elevation plans to enable consistency, including the upper level balconies of dwellings A and G to clarify whether a solid wall or other screening is proposed and details of the waste storage area adjacent the front boundary.
 - (c) Changes to the plans to demonstrate fencing/screen treatments between private open space areas to provide privacy and satisfy the requirements of Clause 7.5, as far as possible subject to the requirements of the land owner of Lot 6899 in relation to the 3m wide access easement which is situated along the rear of the property.
 - (d) Changes to the site plan to reflect the size and location of the electricity substation to the requirements of the Power and Water Corporation.
2. Prior to commencement of works (including site preparation), 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 Land Resource Management, and an endorsed copy of the Plan will form part of this permit. The plan should detail methods and treatments for minimising erosion and sediment loss from the site during both the construction and operational phases. 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 an ESCP. Information regarding erosion and sediment control and ESCP content is available at www.austieca.com.au and the DLRM website: www/lrm.nt.gov.au/soil/management.

3. Prior to the endorsement of plans and 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.

GENERAL CONDITIONS

4. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
5. 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.
6. 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.
7. Prior to the commencement of works (including site preparation), the applicant is to prepare a waste management plan to the requirements of the City of Darwin, to the satisfaction of the consent authority.
8. 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 the land 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 authority to the satisfaction of the consent authority.
10. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the City of Darwin, to the satisfaction of the consent authority.

The owner shall:

- a) remove disused vehicle and/ or pedestrian crossovers;
 - b) provide footpaths/ cycleways;
 - c) collect stormwater and discharge it to the drainage network; and
 - d) undertake reinstatement works;
- all to the technical requirements of and at no cost to the City of Darwin, to the satisfaction of the consent authority.

11. 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.
12. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin to the satisfaction of the consent authority.
13. 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 Land Resource Management.
14. 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.
15. The car parking shown on the endorsed plan(s) must be available at all times for the exclusive use of the occupants of the development and their visitors.
16. 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.
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, 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.
19. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the consent authority.
20. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the buildings.
21. 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.
22. All balconies are to be internally drained and discharged 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.

NOTES:

1. This development permit does not grant building approval. You are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing construction works.

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.
3. A permit to work within a road reserve may be required from the City of Darwin before commencement of any work within the road reserve.
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. You are advised to contact NBN Co prior to commencing construction to determine if your development is in an NBN-eligible area. This will help identify the relevant telecommunication network servicing requirements for the development. To register, please complete the pre-qualification forms located at www.nbnco.com.au/newdevelopments. For more information, please contact the NBN Co New Developments Team on 1800 687 626 or email newdevelopments@nbnco.com.au.

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 objectives and requirements of Zone SD10 (Specific Use Darwin No.10), being 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. Amended plans are required to be submitted demonstrating consistency between the site and elevations plans particularly with regard to the upper level balconies of dwellings A and G, and the waste storage area adjacent the front boundary. Further, amended plans are required to provide privacy through fencing/screening treatments to the open space areas to satisfy the requirements of Clause 7.5 (Private Open Space), as far as possible noting a 3m access easement along the rear of the property. Amended plans are also required to address the comments raised by Power and Water Corporation including the identification of a correctly sized electricity substation.
3. The City of Darwin advised that it is the sole authority responsible under the Local Government Act and associated by-laws for stormwater

drainage and as such has requested details of the collection and discharge of stormwater for this proposal.

4. The Department of Land Resource Management have requested an Erosion and Sediment Control Plan (ESCP) be developed and subsequently implemented to allow for the appropriate development of the land.

ACTION: Notice of Consent and Development Permit

ITEM 3
PA2014/0632
APPLICANT

SUBDIVISION TO CREATE TWO LOTS
SECTION 6599 (621) STUART HIGHWAY, HUNDRED OF BAGOT
NORTHERN PLANNING CONSULTANTS

Mr Brad Cunnington (Northern Planning Consultants) attended.

RESOLVED
249/14

That, the Development Consent Authority vary the requirements of Clauses 11.1.1 (Minimum Lot Sizes and Requirements) and 11.3.2 (Infrastructure in Industrial Subdivisions) of the Northern Territory Planning Scheme, and pursuant to Section 53(a) of the *Planning Act*, consent to the application to develop Section 6599 (621) Stuart Highway, Hundred of Bagot for the purpose of subdivision to create 2 lots, subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings 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.
4. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

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.

3. 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.

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 will excise the developable areas of land within Zone SD42, together with a portion of land zoned RD to accommodate future stormwater infrastructure required for the intended future development of individual lots in Zone SD42. The development comprises an interim subdivision only, with the future subdivision of Zone SD42 intended to provide for individual lots.
2. A variation to the requirements of Clause 11.1.1 (Minimum Lot Sizes and Requirements) is considered acceptable given the objectives of Zone RD will be retained. The subdivision will not detract from the safety and efficiency of the Darwin International Airport, will not increase the number of people who reside or work in the area and will retain the non-urban character of the land. The proposal will not alter the physical appearance of the land, and restrictions relating to the use and development of the land within Zone RD will still apply.
3. A variation to the requirements of Clause 11.3.2 (Infrastructure in Industrial Subdivisions) to allow for subdivision of the land without connection to reticulated services is considered acceptable in this instance, as servicing is intended to occur during the future subdivision of land zoned SD42. The Power and Water Corporation have confirmed the provision of servicing requirements at the time of the future subdivision of Zone SD42.
4. Pursuant to Section 51(b) of the *Planning Act*, the consent authority must take into consideration any proposed amendments to a planning scheme that are relevant to the proposed development. There are no provisions within the draft Berrimah North Planning Principles and Area Plan that impact the assessment of the proposed subdivision.

ACTION: Notice of Consent and Development Permit

ITEM 4
PA2014/0677

APPLICANT

**ADDITIONS TO AN EXISTING ALFRESCO DINING AREA (INCLUDING
EXTENSIONS INTO THE ROAD RESERVE)
LOT 5661 (58) MITCHELL STREET, TOWN OF DARWIN
ELTON CONSULTING**

DAS tabled an addendum – further information from the applicant.

Mr Alex Lawton (Elton Consulting) and Mr Chris Foy (owner) attended.

**RESOLVED
250/14**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 5661 (58) Mitchell Street, Town of Darwin for the purpose of additions to an existing alfresco dining area (including extensions into the road reserve) 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:

- Advice from the City of Darwin and Department of Transport that the current design is acceptable; or
- Submission of more detailed or amended plans that resolve the issues identified within the technical comments provided by the City of Darwin and Department of Transport. The amended plans should be accompanied by updated advice from both the City of Darwin and Department of Transport confirming that the design meets their standards.

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 and its impact on the site and surrounding area.
2. Technical comments received from the City of Darwin and Department of Transport indicate that there are unresolved safety concerns which should be addressed prior to further consideration of the proposal.

**RESOLVED
251/14**

That, pursuant to section 86 of the *Planning Act*, the Development Consent Authority delegate to one member of the power under section 53 of the Act, to determine the application to develop Lot 5661 (58) Mitchell Street, Town of Darwin for the purpose of additions to an existing alfresco dining area (including extensions into the road reserve) subject to:

- Advice from the City of Darwin and Department of Transport that the current design is acceptable; or
- Submission of more detailed or amended plans that resolve the issues identified within the technical comments provided by the City of Darwin and Department of Transport. The amended plans should be accompanied by updated advice from both the City of Darwin and Department of Transport confirming that the design meets their standards.

ACTION: Advice to Applicant

ITEM 5
PA2014/0691
APPLICANT

USE HERITAGE PLACE AS OFFICE
LOT 2820 (28) WESTRALIA STREET, TOWN OF DARWIN
JOANNA REES

Ms Joanna Rees and Mr Shayne Harris (owners) attended.

Submitter Ms Pam Martin attended.

RESOLVED
252/14

That pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 2820 (28) Westralia Street, Town of Darwin, for the purpose of use of a heritage place as an office, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of works (including site preparation), the applicant is to prepare an Environmental and Construction Management Plan (ECMP) addressing sediment control measures, to the requirements of the City of Darwin.
2. Prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Darwin's 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 to Council's system.

GENERAL CONDITIONS

3. The works carried out under this permit shall be in accordance with drawings 2014/0691/01 to 2014/0691/04 endorsed as forming part of this permit.
4. The use as shown on the endorsed plans must not be altered without the further consent of the consent authority.
5. 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.
6. 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 the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
7. 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.

8. 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.
9. 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.
10. Storage for waste disposal bins is to be provided to the requirements of City of Darwin to the satisfaction of the consent authority.
11. Soil erosion control 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 in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. City of Darwin advises that:
 - I.a Tree Protection Zone (TPZ) shall be constructed for all existing trees to be retained within the development, in accordance with Australian Standards – AS 4970-2009 Protection of Trees on Development Sites;
 - II.in accordance with City of Darwin By-Laws, prior to occupation, the applicant shall ensure that a building number is displayed in a position clearly visible from the street; and
 - III.waste bin storage and pick-up shall be provided in accordance with City of Darwin Policy Number 54 – Waste Management.

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 has been assessed against the relevant clauses of the NT Planning Scheme and fully complies with the applicable clauses. A reduction in car parking as per Clause 6.5.2 (Reduction in Parking Requirements) has been requested by the applicant and supported by the Minister for Lands, Planning and the Environment. A reduction of one car parking space is considered acceptable given the size of the building and its intended use and operation as an office and interpretative centre.

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.

There is no reason to suggest that the land is not capable of supporting the proposed development. The building already exists and just the use is changing. Sufficient off-street car parking is provided to service the proposed use of the site and provided servicing requirements are met with the relevant authorities, it is not envisaged that there will be any detrimental effects on the land or on any other land.

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.

The proposed use and restoration of the Sidney Williams Hut as an office is considered to be an appropriate use for the otherwise derelict building. The proposed use will ensure that the building is restored to its former glory and allow the building to serve as a reminder of the area's historic past. The restoration of this building alone will greatly improve the amenity of the area and the office use within it will add to the services currently available in the Stuart Park area.

ACTION: Notice of Consent and Development Permit

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


GRANT TAMBLING
Delegate

27/10/14