



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 269 – FRIDAY 5 FEBRUARY 2016

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

MEMBERS PRESENT: Denis Burke (Chairman), Grant Tambling, Bob Elix and Garry Lambert

APOLOGIES: Ross Baynes

OFFICERS PRESENT: Margaret Macintyre (Secretary), Sally Graetz, Adelle Godfrey, Ann-Marie Dooley and Roxanne Willing (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nadia Smith (Items 4-6)

Meeting opened at 9.30 am and closed at 12.15 pm

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

ITEM 1 **CARPORT ADDITION TO AN EXISTING SINGLE DWELLING WITH A REDUCED FRONT SETBACK**
PA2016/0003 **LOT 588 (7) FERGUSSON STREET, TOWN OF SANDERSON**
APPLICANT **HEINER STRUCTURAL ENGINEERING CONSULTANTS PTY LTD**

Ms Annette Joseland (Heiner Structural Engineering Consultants Pty Ltd) attended.

RESOLVED
34/16

That the Development Consent Authority vary the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 588 (7) Fergusson Street, Town of Sanderson for the purpose of a carport addition to an existing single dwelling with a reduced front setback, 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 must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) Screen planting between the carport and the front boundary.
2. 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.

GENERAL CONDITIONS

3. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
4. 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.
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 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.
7. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to 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 development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
9. Prior to the issue of a Certificate of Occupancy for the approved development, the shed/carport structure located in the south-west corner of the property must either be removed or the appropriate approval/s obtained for its retention on the site, to the satisfaction of the consent authority.

NOTES:

1. This development permit does not grant "building approval" for the proposed structure. The Building Code of Australia requires that certain structures within 900mm of a boundary meets 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 demolition or construction works.
2. 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.

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 was assessed against the relevant clauses of the NT Planning Scheme and is consistent with the type of development reasonably anticipated within Zone SD (Single Dwelling Residential).

A variation to Clause 7.3 (Building Setbacks of Residential Buildings) is supported for a reduced front setback as it appears to be the most practical solution to allow two vehicles to be completely shaded. There is limited opportunity on the site to locate the carport elsewhere due to the angle of the existing dwelling and the proposed location is considered

appropriate given that it will cover an existing driveway and negate the need to remove any existing vegetation.

The proposed carport is considered to meet the purpose of Clause 7.3 in the following ways:

- the proposed carport is an open structure and therefore building massing will be minimal when viewed from adjoining land and the street. Although the carport encroaches into the minimum setback requirements, existing vegetation will help to screen the structure;
- the proposed carport is an open, non-habitable structure and will not result in any undue overlooking of adjoining properties; and
- the proposed carport is an open structure and therefore breeze penetration through and between buildings is expected to remain as existing.

Additional vegetation on site is important to help screen the proposed carport from the streetscape and a condition precedent and general condition has been applied to the permit to ensure that the landscaping is included and maintained for the life of the development.

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.

It is considered that the addition of a carport to an existing single dwelling is consistent with the type of development reasonably anticipated in the area. The impact of the reduced setbacks are minimised by the design of the structure and screen planting. Appropriate management of stormwater runoff will ensure that the existing and future amenity of the area is unaffected by the proposed development.

3. A condition precedent requiring a stormwater management plan has been included at the request of City of Darwin to ensure that stormwater runoff is dealt with in accordance with their requirements.
4. Amended plans have been requested to ensure that suitable landscaping will screen the cars and the carport.
5. Following discussion with the applicant, the consent authority imposed an additional condition requiring that the land owner either remove or obtain approval for an older existing shed/carport structure located in the south-west corner of the property which is understood to be located over a sewerage easement.

ACTION: Notice of Consent and Development Permit

ITEM 2
PA2016/0006
APPLICANT

CARPORT ADDITION TO AN EXISTING SINGLE DWELLING WITH A REDUCED FRONT SETBACK
LOT 690 (3) BRITANNIA CRESCENT, TOWN OF SANDERSON
HEINER STRUCTURAL ENGINEERING CONSULTANTS PTY LTD

Ms Annette Joseland (Heiner Structural Engineering Consultants Pty Ltd) attended.

RESOLVED
35/16

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 690 (3) Britannia Crescent, Town of Sanderson for the purpose of a carport addition to an existing single dwelling with a reduced front setback 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:

- Amended plans and further information that demonstrates greater compliance with the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme; and
- Amended plans showing screen planting along the front boundary of the property to lessen any visual impact of the reduced front setback.

REASON FOR THE DEFERRAL

1. Pursuant to section 46(4)(b) of the *Planning Act*, the consent authority may defer consideration of an application if it considers that additional information is necessary to enable the proper consideration of the application. The consent authority considers that submission of further information regarding any proposed landscape screening or amendments to the design will enable this to occur.

ACTION: Advice to Applicant

ITEM 3
PA2015/0801
APPLICANT

2 X 4 BEDROOM MULTIPLE DWELLINGS IN A 2 STOREY BUILDING
LOT 1363 (324) CASUARINA DRIVE, TOWN OF NIGHTCLIFF
SAVVAS P SAVVAS ARCHITECT

DAS tabled a roof terrace perspective of the proposed multiple dwellings.

Mr Savvas Savvas (Architect) attended.

RESOLVED
36/16

That, the Development Consent Authority vary the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) and 7.3.1 (Additional Setback Requirements for Residential Buildings longer than 18 metres 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 Lot 1363 (324) Casuarina Drive, Town of Nightcliff for the purpose of 2 x 4 bedroom multiple dwellings in a 2 storey building, 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 and those amended plans submitted on 22 January 2016 but modified to show:
 - A maximum roof height of 8.5m; and
 - Details of how vehicles parked within the rear garage can enter and exit the garage.
2. Prior to the endorsement of plans and prior to commencement of works, the applicant is to provide written confirmation from the Power and Water Corporation (Water Services) that confirms that the identified easement encroachments proposed have either been removed or approved, to the satisfaction of the consent authority.
3. Prior to the endorsement of plans and prior to commencement of works, the applicant/landowner must provide written confirmation from a suitably qualified person that finished floor levels are 300mm above the applicable 0.1% Annual Exceedance Probability flood event level for the site as identified on the plans considered by the consent authority, to the satisfaction of the consent authority.
4. Prior to the endorsement of plans and prior to commencement of works, a landscape plan to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and must be generally in accordance with the landscape concept details provided within the application and those plans submitted on 22 January 2016 and must include:
 - a. details of all surface finishes of pathways and driveways;
 - b. a planting schedule of all proposed trees, shrubs and ground covers (including lawn areas), including quantities of each plant;All species selected must be to the satisfaction of the consent authority.
5. 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.
6. Prior to the endorsement of plans and prior to the commencement of works, a Construction Environmental Management Plan (CEMP) for the management and operation of the use must be prepared to the requirements the City of Darwin, to the satisfaction of the consent authority.

7. Prior to the endorsement of plans and 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.

GENERAL CONDITIONS

8. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
9. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities and to the development shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.
10. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to City of Darwin, to the satisfaction of the consent authority.
11. 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.
12. 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.
13. 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.
14. Before the use or occupation of the development starts, the area(s) set-aside for the parking of vehicles and driveways 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.
15. 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.
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. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.
19. 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.
20. 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.
21. 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.
22. A Compliance Certificate under the *Swimming Pool Safety Act* issued by the Swimming Pool Safety Authority is required for the swimming pool/s prior to the commencement of the use/development to the satisfaction of the consent authority.
23. The finished floor levels must be a minimum 300mm above the applicable flood level for the property as shown on the endorsed plans, 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. 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.
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. 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 consent authority considered the development to comprise of two storeys and a roof top terrace. Any additional roof or fixed shading device over the roof terrace may constitute an additional storey and further consent will be necessary.

REASONS FOR THE DECISION

1. Pursuant to section 51(a) the consent authority must, in considering a development application, take into account any planning scheme that applies to the land that is the subject of the application.

Lot 1363 (324) Casuarina Drive, Town of Nightcliff is located within Zone MD (Multiple Dwelling Residential) of the Northern Territory Planning Scheme. The requirements that apply to multiple dwelling development of the Planning Scheme are therefore applicable to this application. The application is assessed as being compliant with clauses 6.5.1 (Parking Requirements), 7.1.1 (Residential Density Limitations), 7.5 (Private Open Space), 7.7 (Landscaping for Multiple Dwellings, Hostels and Supporting Accommodation) and 7.8 (Building Design for Multiple Dwellings, Hostels and Supporting Accommodation) of the Scheme. Through minor amendments to the plans, compliance with clause 7.1.2 (Residential Height Limitations) will also be demonstrated.

A variation to the requirements of clause 7.3 (Building Setbacks of Residential Buildings) to allow a front setback of 5.9m (to the wall) and 4.3m to the open portico instead of the required 6m and 4.5m respectively is considered acceptable as the very minor variations are considered to result in greater benefit in terms of the visual interest and articulation to the front elevation of the development. Deletion of these features to achieve full compliance would result in a poor visual outcome in terms of streetscape appearance.

A variation to the requirements of clause 7.3.1 (Additional Setback Requirements for Residential Buildings longer than 18 metres and for Residential Buildings Over 4 Storeys in Height) to allow reduced building setbacks to the front and side boundaries. The proposed design is assessed as incorporating architectural features that adequately mitigate any potential adverse effects of building massing and visual bulk as a result of the building length and reduced building setbacks. Architectural features relied upon include, inclusion of the wall thickenings either side of entrance and portico to the front-most dwelling, location and design of windows to each elevation (specifically front and sides), the varied roof form and the stepping in of both the east and west elevations which are assessed as significantly reducing any perceived visual bulk that might otherwise be caused by the building length. The combination of these features is considered to adequately address the purpose of this clause.

2. Pursuant to section 51(e) and (n) the consent authority must consider any submissions lodged under section 49 and the potential impact on the amenity as a result of the development.

No public submissions were received in response to the 14 day exhibition period.

The application proposes a form of development that is consistent with the zoning of the land and performs well against the basic standards of the NT Planning Scheme. The variations required are considered relatively minor in comparison to the overall level of compliance achieved with many of the non-compliant aspects considered to achieve a better design outcome than an otherwise fully compliant design would provide.

ACTION: Notice of Consent and Development Permit

ITEM 4
PA2015/0842
APPLICANT

VOLUMETRIC SUBDIVISION TO CREATE 2 LOTS
LOT 5030 (48) CAVENAGH STREET, TOWN OF DARWIN
ELTON CONSULTING PTY LTD

DAS tabled City of Darwin comments.

Ms Wendy Smith (Elton Consulting), Mr Tom Karvonen (Turner & Townsend – THINC), Ms Melissa Mellen (MFY Consultants- Traffic) via phone attended.

The applicant tabled additional information including advice from a surveyor.

RESOLVED
37/16

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 5030 (48) Cavenagh Street, Town of Darwin for the purpose of volumetric subdivision to create 2 lots, 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:

- further information on the future built form which could be reasonably anticipated on proposed Lot B having regard to the volumetric components of the subdivision, plus future access arrangements including for loading and the achievement of active frontages; and
- further information to demonstrate with certainty the legislation under which the structural integrity of future buildings on either lot can be assured or otherwise as they relate to the volumetric component of the subdivision, to confirm any risks can be satisfactorily mitigated.

REASON 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 authority considers necessary to enable proper consideration of the proposal.

ACTION: Advice to Applicant

ITEM 5 **CHANGES TO THE DEVELOPMENT APPROVED BY DP15/0369 INCLUDING**
PA2015/0843 **CHANGES TO THE INTERNAL LAYOUT AND FLOOR AREAS**
APPLICANT **LOT 5030 (48) CAVENAGH STREET, TOWN OF DARWIN**
ELTON CONSULTING PTY LTD

DAS tabled City of Darwin comments.

Ms Wendy Smith (Elton Consulting) and Mr Tom Karvonen (Turner & Townsend – THINC) attended.

RESOLVED
38/16

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application in line with the Development Consent Authority's decision to defer the associated subdivision application (PA2015/0842), enabling the applications to be considered concurrently.

REASONS FOR THE DECISION

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.

ACTION: Advice to Applicant

ITEM 6 **CHANGE TO THE SUBDIVISION APPROVED BY DP13/0812B TO RECONFIGURE**
PA2015/0877 **STAGE 7 AND INCLUDE 8 ADDITIONAL LOTS**
APPLICANT **LOT 12023 LEE POINT ROAD, TOWN OF NIGHTCLIFF**
MASTERPLAN NT

DAS tabled comments from Power and Water Corporation.

Ms Linda Henning (Masterplan NT), Mr Paul Perkovic and Mr Robert Winters (DHA), Mr Andrew Garforth and Mr Travis Brown (Investa Land) attended.

Ms Henning tabled a stage 7 subdivision plan for Lot 11793, Town of Nightcliff dated 1.2.16

RESOLVED
39/16

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 12023 Lee Point Road, Town of Nightcliff for the purpose of changes to the subdivision approved by DP13/0812B to reconfigure stage 7 and include 8 additional 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), 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 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) details of all noise attenuation features and/or fencing, landscaping and lighting details to the rear of the 8 lots proposed along the western boundary of the site and immediately adjacent to Lee Point Road, together with further advice from the City of Darwin confirming acceptance of the proposed treatments/s; and
 - b) inclusion of the proposed road along the northern boundary of the subdivision within the development site boundary.
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 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 and the Department of Health's 'Medical entomology' division, 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, management of stormwater during the construction phase, 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 comprehensive traffic impact assessment report, which must outline changes that will be required to the surrounding road network and address vehicular, pedestrian, cyclist and public transport issues and opportunities. The report is to be to the approval of the City of Darwin, to the satisfaction of the consent authority.
5. Prior to the endorsement of the plans and prior to commencement of works (including site preparation), an erosion and sediment control plan (ESCP) is to be developed, by a suitably qualified professional, and subsequently approved and implemented in accordance with the IECA Best Practice Erosion and Sediment Control Guidelines 2008 (www.austieca.com.au). The ESCP should detail methods and treatments for minimising erosion and sediment loss from the site during both the construction and operational phases. Erosion and sediment control information can also be sourced from: <http://lrm.nt.gov.au/soil/management>. The ESCP must be provided to the

Department of Land Resource Management for review, to the satisfaction of the consent authority.

6. Prior to the endorsement of the plans and prior to commencement of works (including site preparation), the developer is required to:
 - a) demonstrate the constructed water and sewer infrastructure is capable of accommodating the additional 8 lots proposed; and
 - b) update the water and sewer infrastructure masterplan for the development site, to the requirements of the Power and Water Corporation (PWC), to the satisfaction of the consent authority.
Should there be insufficient capacity in the water and sewer infrastructure, the developer is required to undertake upgrades to the requirements of the PWC, to the satisfaction of the consent authority. All works will be at nil cost to PWC.

GENERAL CONDITIONS

7. Works carried out under this permit shall be in accordance with drawings endorsed as forming part of this permit.
8. Prior to the issue of Part V clearance, a 100m wide grassland buffer is to be planted along the eastern boundary of the site, as shown on the endorsed plans. The preparation and planting of this grassland buffer is to be to the requirements of the Department of Health's Medical Entomology division, to the satisfaction of the consent authority.
9. 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.
10. The applicant is to present confirmation that agreements are in place with either the City of Darwin, the Northern Territory Government, or another body, for the ongoing maintenance of the 100 grassed strip (incorporating drainage) along the eastern boundary of the site, to the satisfaction of the consent authority. Maintenance procedures are to give consideration to the concerns of the Department of Health's Medical entomology division, with regard to minimising the potential for mosquito breeding habitats to be created.
11. The subdivision as shown on the endorsed plans must not be altered without the further consent of the consent authority.
12. The subdivision must proceed in the order of stages as shown on the endorsed plan unless otherwise agreed in writing by the consent authority
13. 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.
14. 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.

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. 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.
17. A monetary contribution is to be paid to the City of Darwin, in accordance with its Lee Point Road Contribution Plan, to the satisfaction of the authority.
18. 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.
19. 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.
20. 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.
21. 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 or the Department of Lands, Planning and the Environment, to the satisfaction of the consent authority.
22. The site must be appropriately engineered, graded and contoured to eliminate the need for any back of lot drainage to the requirements of the City of Darwin and/ or the Department of Lands, Planning and the Environment, to the satisfaction of the consent authority.
23. 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.
24. Design specifications for Water Sensitive Urban Design (WSUD) structures and stormwater drainage are to be to the requirements of the Department of Health's Medical Entomology division, to the satisfaction of the consent authority. The WSUD structures are to give consideration to limiting biting insect breeding sites, algae growth, and surface ponding.

25. All access roads are to be constructed, operated and maintained so as not to create a nuisance from dust or other particulates.
26. 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.
27. 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'.
28. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority
29. Prior to the issue of Part 5 Clearance for the final stage, written correspondence from the City of Darwin and Department of Transport must be submitted to the consent authority that confirms that the road reserve along the eastern boundary referred to in Zone SD23 is no longer required, to the satisfaction of the consent authority.

NOTES

1. The developer is to contact Telstra via the following website prior to any work commencing to facilitate the installation of the Telstra network: <http://www.telstrasmartcommunity.com/>, and is to register the development with NBN Co at <http://www.nbnco.com.au/getting-connected/new-developments.html>.
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and the 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 servicing requirements of the Corporation, and the need for upgrading of on-site and/or surrounding infrastructure.
3. The Department of Natural Resources, Environment, The Arts and Sport (NRETAS) advises that construction work should be conducted in accordance with the NRETAS 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. It is an offence to disturb or destroy prescribed archaeological places without consent under the *Heritage Act*. Should any heritage or archaeological material be discovered during site works, operations should cease immediately, and the Heritage division of the Department of Lands, Planning and the Environment should be contacted.

5. Telstra advises that the developer is required to contact “Dial Before You Dig” on 1100 to obtain a location of the Telstra network, and arrange for any removal or relocation if required.
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. 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.
8. 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.

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must, in considering a development application, take into account any planning scheme that applies to the land that is the subject of the application. The subdivision is consistent with the purpose of zone SD23 which is “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”.

The subdivision accords with the primary design philosophy for zone SD23, for the provision of lot patters that “are best suited to catching prevailing breezes”. The lots are generally orientated with the long axis of the lot being 30° of north, with this characteristic further aided by the imposition of setbacks that achieve a 6m separation between all buildings, this assisting in the natural flow of air through, and between, buildings. The layout is also consistent with that shown on the endorsed master plan (for DP13/0812B) and the previously approved for stages 5-7.

The registration of design covenants and setback provisions on each title will ensure future development will comply with the zone SD23 provisions and be consistent with the Ecologically Sustainable Design principles that underpin the development for the ready flow of breezes through, and between, buildings.

2. In accordance with the requirements of section 51(m) of the *Planning Act*, consideration has been given to all comments received from service

authorities, with particular regard to the servicing requirements of the Power and Water Corporation, the issues raised by the City of Darwin. Appropriate responses to the matters raised, as reflected by the conditions and notes given on the development permit, will ensure an appropriate level of service is maintained for the site and surrounding locality.

3. The inclusion of a condition precedent requiring the submission of amended plans that detail the additional features offered by the applicant at the hearing (including acoustic fencing, landscaping and lighting) between the rear of the 8 additional lots and Lee Point Road are required to ensure any adverse impacts as a result of the design change are mitigated. Written confirmation from the City of Darwin is also required to ensure that the authority that will be responsible for ongoing maintenance of these features has been consulted and accepts the proposed designs. Inclusion of the road to the north of the development within the development site boundary is necessary to ensure the northern-most allotments are accessible, as confirmed by the applicant.

ACTION: Notice of Consent and Development Permit

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



DENIS BURKE
Chairman

9/2/16

