



# DEVELOPMENT CONSENT AUTHORITY

## DARWIN DIVISION

### MINUTES

MEETING No. 270 – FRIDAY 19 FEBRUARY 2016

BILLABONG ROOM  
NOVOTEL DARWIN ATRIUM  
100 THE ESPLANADE  
DARWIN

**MEMBERS PRESENT:** Denis Burke (Chairman), Ross Baynes, Bob Elix and Garry Lambert

**APOLOGIES:** Grant Tambling

**OFFICERS PRESENT:** Margaret Macintyre (Secretary), Doug Lesh and Ann-Marie Dooley,  
(Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Cindy Robson (Strategic Town Planner)

Meeting opened at 2.00 pm and closed at 2.30 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**                    **CHANGES TO THE DEVELOPMENT APPROVED BY DP15/0068 INCLUDING**  
**PA2016/0019**           **ALTERATIONS TO THE DESIGN AND BUILDING SETBACKS OF LEVEL 9**  
**APPLICANT**           **LOT 1391 (8) SHEPHERD STREET, TOWN OF DARWIN**  
**GEORGE SAVVAS**

Mr Israel Kgosiemang (One Planning Consult) attended on behalf of the applicant.

Submitter Ms Patsy Hickey attended and tabled four photos showing the fence between the two sites and a tree stump.

**RESOLVED**  
**40/16**

That, the Development Consent Authority vary the requirements of Clause 6.3.2 (Volumetric Control in Central Darwin), Clause 6.3.3 (Urban Design Requirements in Central Darwin), Clause 6.5.3 (Parking Layout) and Clause 6.6 (Loading Bays) of the NT Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 1391 (8) Shepherd Street, Town of Darwin for the purpose of Changes to the development approved by DP15/0068A including alterations to the design and building setbacks of level 9, subject to the following conditions:

**CONDITIONS PRECEDENT**

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a landscaping management plan 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 submitted landscape concepts, except that the plan must show:
  - a. a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant; and
  - b. the provision of an irrigation system to all landscaped areas.
  - c. all species selected must be to the satisfaction of the consent authority.

In addition to the above, the landscaping management plan is to address the health and management of all plant species, including growing conditions to demonstrate that the landscaping is suitable to the location and will be maintained for the life of the development.

2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a plan showing how existing council assets will interact with the proposed development, in particular with the proposed awnings, is to be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority.

**THIS CONDITION HAS BEEN CLEARED THROUGH THE CLEARANCE OF DP15/0068A CONDITIONS PRECEDENT**

3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), confirmation, in the form of a letter or report, from a suitably qualified traffic engineer that the car parking layout complies with the relevant Australian National Standard and is designed appropriately for safe and convenient parking, must be submitted to the satisfaction of the consent authority and approved by the consent authority.

**THIS CONDITION HAS BEEN CLEARED THROUGH THE CLEARANCE OF DP15/0068A CONDITIONS PRECEDENT**

4. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), approval for the 1m x 1m electricity easement must be obtained from Power and Water, in consultation with the owner of Lot 1936, to the satisfaction of the consent authority.

**THIS CONDITION HAS BEEN CLEARED THROUGH THE CLEARANCE OF DP15/0068A CONDITIONS PRECEDENT**

5. 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 and must be generally in accordance with the plans submitted with the application but modified to show the locations of all air-conditioning condenser units and provide details of the screening to be utilised to ensure the condenser units are appropriately screened from public view and from view of neighbouring or nearby developments (or developments reasonably anticipated). The locations of all condenser units must allow convenient access for ongoing repair and maintenance. The use of angled louvered slats for screening purposes is acceptable, however the slat screening must be designed with an acceptable panel to gap ratio, such that the condenser units are not readily visible from any angle.

**THIS CONDITION HAS BEEN CLEARED THROUGH THE CLEARANCE OF DP15/0068A CONDITIONS PRECEDENT**

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, 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.
8. Prior to the commencement of works, the applicant is to prepare an Environmental and Construction Management Plan (ECMP), to the

requirements of the City of Darwin, to the satisfaction of the consent authority. The ECMP is to address waste management, traffic control, haulage routes, storm water drainage, use of City of Darwin land and how this land will be managed during the construction phase.

9. Prior to the commencement of works, a Waste Management Plan addressing the City of Darwin's Waste Management Policy 054 must be prepared to the requirements of the City of Darwin, to the satisfaction of the consent authority.

#### **GENERAL CONDITIONS**

10. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
11. 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.
12. 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 telecommunication networks to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
13. Before the use or occupation of the development starts, the area(s) 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.
14. 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/guests.
15. Before the use commences the owner must, in accordance with Part 6 of the *Planning Act*, pay a monetary contribution to the City of Darwin for the upgrade of local stormwater infrastructure, in accordance with its Stormwater Contribution Plan.
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. 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.
19. 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.
20. 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.
21. All substation, fire booster and water meter arrangements are to be appropriately screened to soften the visual impact of such infrastructure on the streetscape, to ensure that the infrastructure is sympathetic to and blends in with the design of the building. Details will need to be resolved to the satisfaction of the consent authority in consultation with the Power and Water Corporation, and NT Fire and Emergency Services.
22. 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. 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.
23. 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.
24. 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.
25. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building.
26. 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.

27. The loading and unloading of goods from vehicles must only be carried out on the land within the designated loading bay and must not disrupt the circulation and parking of vehicles on the land.
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. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into City of Darwin drains or to any watercourse.

**NOTES:**

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto: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. 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](http://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](mailto:newdevelopments@nbnco.com.au)
3. Notwithstanding the approved plans, the demonstrated awning in City of Darwin's road reserve is subject to Council approval at no cost to Council.
4. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to Council.
5. 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.
6. 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.
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. 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.
9. This development as approved by the Development Consent Authority (DCA) achieves a level of active interface deemed by the authority to provide 75.7% of the length of the site boundary (Woods Street and Shepherd Street combined) at ground level as active street frontage. Retaining this level of active frontage is considered by the DCA to be essential to this development achieving the purpose of clause 6.3.3 (Urban Design Requirements in Central Darwin). Any reduction in the percentage of active street frontage is unlikely to be supported, and will require full consideration by the DCA at a meeting of the authority. Refer to "Design guidance to achieve active frontages and provide for services" for advice to active street frontages in relation to service authority requirements.
10. 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](mailto:info@ntbuild.com.au)) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.

## REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. The proposed changes approved by DP15/0068A including alterations to the design and building setbacks of level 9 is consistent with the primary purpose of Zone CB (Central Business). in providing for a diversity of activities including administrative, judicial, professional, office, entertainment, cultural, residential and retail and other business activities with a commitment to the separation of incompatible activities.

The built form and design approved by DP15/0068A has not been altered therefore it is still considered sensitive to the needs of pedestrian movements through providing awnings to the street frontages and facilitates the creation of safe and active street frontages and public places through the large expanse of windows and building entrances/exits.

A variation is acceptable in this instance as the built form remains unchanged; the revised development proposes converting roof space, into two balconies to be used in association with Units 26 and 28 on

level 9. No additional habitable rooms are proposed the provision of landscaping is expected to provide appropriate screening to the adjoining boundaries to achieve an acceptable level of residential amenity and privacy.

A landscape management plan is required to ensure an appropriate level of privacy is achieved and maintained over the lifetime of the development.

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

**ITEM 2**  
**PA2014/0698**

**RECONSIDERATION - SUBDIVISION TO CREATE 66 LOTS (INCLUDING  
1 PUBLIC OPEN SPACE LOT)**

**APPLICANT**

**SECTION 5875 (81) BOULTER ROAD, HUNDRED OF BAGOT  
ELTON CONSULTING**

Ms Wendy Smith (Elton Consulting) and Mr Jim Keogh (Snr), Mr Gordon Boytell and Mr Santino Kuol (both from AGD) attended.

**RESOLVED**  
**41/26**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Section 5875 (81) Boulter Road, Hundred of Bagot for the purpose of subdivision to create 66 lots (including 1 public open space lot), 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) an updated version of the fencing and landscape concept for the Boulter Road frontage to reflect the final subdivision layout;
  - (b) the level spreader device on Section 5873 Hundred of Bagot to the north to the design and specifications of the Department of Lands, Planning and the Environment; and
  - (c) confirmation that the full construction of the road providing a connection to Section 5873 to the north forms part of the subdivision works.
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a site earthworks plan indicating finished levels of the subdivision is to be submitted to and approved by the City of Darwin to the satisfaction of the consent authority. All earthworks are to be designed to eliminate the need for excessive fill and retaining walls for the subdivision.



3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the design and specifications of the stormwater drainage system is to be provided to the requirements of the City of Darwin, the Department of Lands, Planning and the Environment, Medical Entomology of the Department of Health, and to the owner of Section 5873, Hundred of Bagot to the satisfaction of the consent authority. The design is to be certified by a suitably qualified person to confirm no additional downstream flood impacts as a result of the subdivision, and that the level spreader will dissipate the associated energies created by the concentrated outfall to the north. The design is to conform with the applicable sections of the *'Guidelines for preventing biting insect problems for new urban residential developments or subdivisions in the top end of the NT'* including to be completely free draining to avoid the potential for mosquito breeding during low flow periods.
4. Prior to the endorsement of plans and prior to the 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. The ESCP is to be developed by a suitably qualified and experienced professional in erosion and sediment control planning and the IECA Best Practice Erosion and Sediment Control Guidelines 2008 may be referenced as a guide to the type of information, detail and data that should be included in the ESCP. The plan must detail methods and treatments for minimising erosion and sediment loss from the site during both the construction and operational phases. Information regarding erosion and sediment control and ESCP content is available at [www.austieca.com.au](http://www.austieca.com.au) and the DLRM website: <http://lrm.nt.gov.au/soil/management>.
5. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the design and specifications of the road network, stormwater drainage and verge and open space landscaping works are to 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 (including site preparation), a traffic impact assessment report is to be prepared to the requirements of the Department of Transport and City of Darwin, to the satisfaction of the consent authority. The traffic impact assessment must be prepared in accordance with *Austroads Guide to Traffic Management Part 12: Traffic Impacts of Developments*. The report must outline any necessary upgrades to the surrounding street network, and access for pedestrians, cyclists and vehicles, sight lines, and the design of the Boulter Road intersection.
7. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare an Environmental and Construction Management Plan (ECMP) to the requirements of the City of Darwin. 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 during construction.

8. 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**

9. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
10. Before the use/occupation of the development starts, the developer/owner must pay a monetary contribution to the City of Darwin in accordance with its contribution plan, to assist in upgrading infrastructure in the area, to the satisfaction of the consent authority.
11. All works recommended by the traffic impact assessment report are to be completed to the requirements of the City of Darwin and Department of Transport, to the satisfaction of the consent authority.
12. Prior to the issue of titles, an easement is to be registered over Section 5873 Hundred of Bagot covering the area affected by the level spreader device, with the easement vested in the Northern Territory of Australia to the satisfaction of the consent authority.
13. The level spreader on Section 5873 Hundred of Bagot shall be constructed in accordance with the plans approved as part of this permit, on the advice of a suitably qualified professional to be reviewed by the Department of Lands, Planning and the Environment, to the satisfaction of the consent authority.
14. Prior to the end of the 2 year on-maintenance period for the level spreader device, an inspection shall be conducted to confirm the infrastructure has been properly constructed and is functioning without ponding (with a preference that this be carried out at the end of a wet season rain period). This inspection shall be undertaken with the assistance of the Department of Lands, Planning and the Environment, to the satisfaction of the consent authority. If not functioning properly, rectification works shall be undertaken by the developer to ensure proper functioning of the infrastructure at no cost to the Department of Lands, Planning and the Environment.
15. The stormwater infrastructure shall be properly constructed to be completely free draining, without ponding to the requirements of Medical Entomology, Department of Health, to the satisfaction of the consent authority.
16. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, vehicular access, pedestrian/ cycle corridors and streetscaping 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 owner's expense.

17. 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 telecommunication networks to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
18. 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.
19. 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.
20. All proposed works impacting on Boulter Road or Northern Territory Government controlled road reserves are to be designed, supervised and certified on completion by a practicing and registered civil engineer, and shall be in accordance with the standards and specifications of the City of Darwin and Department of Transport, as required. Drawings must be submitted to the City of Darwin and Department of Transport for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".
21. Any proposed work impacting on public transport services will need to be undertaken to the requirements of the Department of Transport, to the satisfaction of the consent authority.
22. The loads of all trucks entering and leaving the site are to be constrained in such a manner, as to prevent the dropping or tracking of materials onto streets, to the requirements of the Department of Transport. Where tracked material on the road pavement becomes a potential safety issue, the developer will be obliged to sweep and clean material off the road.
23. All proposed roads to be created on the plan of subdivision submitted for approval by the Surveyor General must be dedicated to the relevant Northern Territory or local government authority.

**NOTES:**

1. A "Permit to Work Within a Road Reserve" may be required from (insert relevant Council or the Department of Lands, Planning and the Environment)) before commencement of any work within the road reserve.
2. 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.
3. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites in the Northern Territory. The

guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

4. All new roads, including alterations and extensions to existing roads, are required to be named under the *Place Names Act*. You should immediately make application to the Place Names Committee to commence the road naming process. Contact the Place Names Unit on 8995 5333 or [place.names@nt.gov.au](mailto:place.names@nt.gov.au). Further information can be found at [www.placenames.nt.gov.au](http://www.placenames.nt.gov.au).
5. 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](mailto:surveylandrecords@nt.gov.au) or 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.
6. All lighting, including street lighting must comply with Section 9.21 of the Civil Aviation Safety Authority Manual of Standards Part 139 "Lighting in the Vicinity of Aerodromes".
7. The land is likely to support populations of the threatened Cycad *Cycas armstrongii* (vulnerable under the Territory Parks and Wildlife Construction Act). Individual cycads should be conserved or salvaged as per the Management Program for Cycads in the Northern Territory of Australia 2009 - 2014. This may require appropriate permits if salvage for commercial purposes is proposed.
8. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

#### REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. The subdivision is consistent with Zone MD (Multiple Dwelling Residential) and will facilitate the future development of a mixture of single and multiple dwellings at densities anticipated by the zone.

The subdivision accords with Clauses 11.2.1 (Site Characteristics in Residential Subdivisions) and 14.1.2 (Berrimah North Planning Principles) of the Planning Scheme which require subdivisions respond to the physical characteristics of the land, including the natural land form and drainage pattern.

The subdivision allows for a future connection to the north to provide for an interconnected local road network, and also incorporates 10% of the total area for public open space. The open space area is also understood to be situated at a 'high point' of the intended levels for the subdivision and is expected to be unencumbered by drains. Despite new lots being orientated away from the main frontage to Boulter Road, the application includes a fence and landscape concept to ensure a consistent appearance will be achieved.

2. Pursuant to section 51(j) of the *Planning Act*, the consent authority must take into account the capability of the land to which the proposed development relates, and the effect of the development on the land and on other land. Also, section 51(m) of the *Planning Act* requires the consent authority to take into consideration the public utilities or infrastructure provided in the area in which the land is situated.

Advice has been received from the Department of Lands, Planning and the Environment, the City of Darwin, and the owner of Section 5873 to the north for the subdivision to include drainage to private land at the north. The advice includes an agreement between the developer and the owner of Section 5873 for the acceptance of stormwater flows from the subdivision, with the infrastructure to be formalised via easement. Conditions are included on the permit which require the developer to provide certification from a suitably qualified person that the subdivision will not create any additional downstream flood impacts as a result of the subdivision, and that the level spreader device will dissipate the associated energies created by the concentrated outfall to the north. The conditions also require the design of the finished levels of the subdivision eliminates the need for excessive fill and retaining walls.

The land is situated outside of the Australian Noise Exposure Forecast (ANEF) 20 unit contour and future dwellings do not require attenuation. The land is not identified as being affected by either flooding or storm surge, and is not identified as being impacted by biting insects.

The Department of Transport and City of Darwin have requested details in relation to road access including the provision of a traffic impact assessment. Comments from the Department of Land Resource Management, and Medical Entomology of the Department of Health, require the implementation erosion and sediment control details as part of the construction, and for stormwater detention areas to be free draining and not cause ponding.

3. Pursuant to section 51(n) of the *Planning Act*, the consent authority must take into account the potential impact on the existing and future amenity of the area in which the land is situated. As the proposal comprises the subdivision of land in accordance with Zone MD, no broader amenity impacts are anticipated.

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

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



**ROBERT ELIX**  
Delegate

22/2/16