

# DEVELOPMENT CONSENT AUTHORITY

## DARWIN DIVISION

### MINUTES

MEETING No. 258 – FRIDAY 17 JULY 2015

BROLGA ROOM  
NOVOTEL DARWIN ATRIUM  
100 THE ESPLANADE  
DARWIN

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

**APOLOGIES:** Nil

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

**COUNCIL REPRESENTATIVE:** Nil

Meeting opened at 9.30 am and closed at 10.00 am

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

**ITEM 1**                      **CHANGE OF USE TO MEDICAL CLINIC (PATHOLOGY CLINIC)**  
**PA2015/0417**              **LOT 10490 (11) VANDERLIN DRIVE, TOWN OF NIGHTCLIFF**  
**APPLICANT**              **NORTHERN PLANNING CONSULTANTS**

Mr Brad Cunnington (Northern Planning Consultants) attended.

**RESOLVED**              That, the Development Consent Authority grant a reduction to the parking  
**191/15**                      requirements under clause 6.5.2 (Reduction in Parking Requirements) of the  
Northern Territory Planning Scheme and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 10490 (11) Vanderlin Drive, Town of Nightcliff, for the purpose of a change of use to medical clinic (pathology clinic), subject to the following conditions:

**GENERAL CONDITIONS**

1. Works carried out under this permit shall be in accordance with the drawing numbered 2015/0417/01 endorsed as forming part of this permit.
2. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage and electricity facilities to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
3. 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.

**NOTES:**

1. As part of its consideration of this proposal the consent authority determined that the approved use was not likely to increase parking demand beyond the current provision. Any change or modification to the site (including tenancy 1A) will require further consent from the consent authority.
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 in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
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. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to Council.

#### **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 change of use from shop to medical clinic (tenancy 1A) is considered to be generally consistent with the purpose of Zone C (Commercial) which is to provide for a range of business and commercial uses.

A 2-bay reduction in car parking pursuant to Clause 6.5.2 (Reduction in Parking Requirements) is considered appropriate given that:

- The approved use is not considered to be consistent with the style of development typically expected of a medical clinic use. The specific nature of the approved pathology clinic is not considered to significantly alter the existing availability of car parking nor future demand; and
- The mix of approved uses on the site is likely to result in cross utilisation of existing car parking given that patients attending another medical clinic on the site are also likely to attend the pathology clinic in a single trip.

Notwithstanding the above, the consent authority considers that while the current reduction is appropriate, the site is approaching its capacity and that further alterations (including internal modifications) will need to be further considered by the consent authority with particular attention given to future onsite parking capacity.

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

**ITEM 2**  
**PA2015/0411**  
**APPLICANT**

**SUBDIVISION TO CREATE 4 LOTS**  
**SECTION 4440 (10) BOULTER ROAD, HUNDRED OF BAGOT**  
**NORTHERN PLANNING CONSULTANTS**

Mr Brad Cunnington (Northern Planning Consultants) attended.

**RESOLVED**  
**192/15**

That, the Development Consent Authority vary the requirements of Clause 11.1.1 (Minimum Lot Sizes and Requirements) 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 Section 4440 (10)

Boulter Road, Hundred of Bagot, for the purpose of a subdivision to create 4 lots, 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 plan submitted with the application but modified to show:
  - a. Staging (2 stages) of the development to enable proposed lots 1 and 2 to be titled independently of proposed lots 3 and 4; and
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. 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**

3. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
4. 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.
5. 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.
6. 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.
7. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
8. Engineering design and specifications for the proposed and affected roads, stormwater drainage, vehicular access, pedestrian/ cycle corridors and streetscaping are to be to the technical requirements of City of Darwin, to the satisfaction of the consent authority and all approved works constructed at the owner's expense.

9. The subdivision must proceed in the order of stages as shown on the endorsed plan unless otherwise agreed in writing by the consent authority.
10. Before issue of titles for Lots 3 and 4, the east-west connector road from Amy Johnson Avenue must be established and access to each lot must be to the satisfaction of City of Darwin.
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. A "Permit to Work Within a Road Reserve" may be required from the Department of Transport and/or the City of Darwin 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 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 proposed development is generally compliant with the relevant provisions of the NT Planning Scheme and does not prevent future re-development of the site in accordance with the Berrimah North Area Plan.

A variation to Clause 11.1.1 (Minimum Lot Sizes and Requirements) is supported given that the subdivision is not expected to impact on the existing land uses and the reduced lot sizes will not compromise future development of the land. Furthermore, the proposed lot sizes are consistent with the minimum lot size required for re-development of the land in accordance with the Berrimah North Area Plan.

A condition precedent requiring amended plans to show 'staging (2 stages) of the development to enable proposed lots 1 and 2 to be titled independently of proposed lots 3 and 4' has been included to ensure that proposed lots 3 and 4 are not re-developed without having formal access and appropriate services.

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 subdivision. The Department of Land Resource Management (DLRM) did not identify any constraints other than an approximate area of 2.5ha in the north west corner which is constrained by imperfect to poor soil drainage. This area is wholly contained within proposed Lot 1 which has a total area of 17.7ha.

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 subdivision is not expected to impact on the amenity of the area as the changes are mostly administrative and very little physical change to the land will take place.

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

**ITEM 3**  
**PA2015/0408**  
**APPLICANT**

**2 X 3 BEDROOM MULTIPLE DWELLINGS IN A SINGLE STOREY BUILDING**  
**LOT 11402 (11) OGDEN STREET, TOWN OF NIGHTCLIFF**  
**ZAHARIAS VRONDOS**

The applicant did not attend.

**RESOLVED**  
**193/15**

That the Development Consent Authority vary the requirements of Clauses 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 11402 (11) Ogden Street, Town of Nightcliff for the purpose of 2 x 3 bedroom multiple dwellings in a single 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 generally in accordance with the plans submitted with the application but modified to show:
  - (a) An extension of Unit 1's slatted fence by approximately 8.3m along the west boundary to a height of 1.8m from the proposed ground level to ensure that the access doorway along the west boundary is screened from the adjoining property; and

- (b) fencing to a height of 1.8m around the private open space for Unit 2 to achieve at least the minimum area of private open space required by Clause 7.5 (Private Open Space).
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 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.
3. 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.
4. Prior to the commencement of works, the applicant is to prepare a dilapidation report covering infrastructure within the road reserve to the satisfaction of the General Manager Infrastructure, City of Darwin at no cost to City of Darwin.

#### **GENERAL CONDITIONS**

5. Works carried out under this permit shall be in accordance with the drawings numbered endorsed as forming part of this permit.
6. 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.
7. 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.
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. 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.
10. 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.

11. 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.
12. The private open space areas of each dwelling shall be screened on each boundary by:
  - (a) The erection of a solid wall or screen fence not less than 1.8 metres high; or
  - (b) Fenced to a height not less than 1.8 metres high and planted with dense vegetation.
13. 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.
14. 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.
15. No fence, hedge, tree or other obstruction exceeding a height of 0.6 metres is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
16. Storage for waste disposal bins is to be provided to the requirements of City of Darwin to the satisfaction of the consent authority.
17. 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.
18. 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.
19. Soil erosion and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

**NOTES:**

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](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.



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. The City of Darwin advises that all street trees shall be protected at all times during construction. Any tree on a footpath, which is damaged or removed during construction shall be replaced, to the satisfaction of the General Manager Infrastructure, City of Darwin.

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. Copies of AS 4970-2009 Protection of Trees on Development Sites can be obtained from the Australian Standards website.

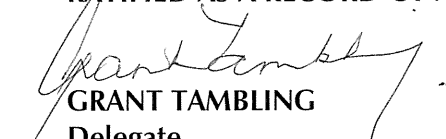
4. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development is available from Department of Land Resource Management.

#### **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 application is consistent with the purpose of Zone SD23 (Specific Use Darwin No. 23) being to "facilitate the subdivision, use and development of the land as a residential estate that provides for housing choice through a range of lot sizes and housing types".
2. A variation to Clause 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 is supported as the non-compliance is minor and will only occur to one boundary. Varied building heights, cladding and screen fencing to part of the boundary will serve to reduce the visual impact of the building from the affected neighbour. Furthermore, additional setbacks are required by the neighbouring lot as part of the setback plan which will assist in reducing adverse building massing.

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

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

  
**GRANT TAMBLING**  
Delegate  
21/7/15

