

DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 230 – THURSDAY 24 APRIL 2014

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

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

APOLOGIES: Nil

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

COUNCIL REPRESENTATIVE: Cindy Robson and Mikaela McNamarra (Item 6 only)

Meeting opened at 10.00 am and closed at 10.45 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ITEM 1 WITHDRAWN

ITEM 2 ADDITIONS TO EXISTING CARAVAN PARK AND MOTEL COMPRISING AN
PA2014/0155 ANCILLARY RECREATIONAL HALL AND CYCLONE SHELTER
LOT 9289 (622) LEE POINT ROAD, TOWN OF NIGHTCLIFF
APPLICANT HAMES SHARLEY

Mr Keith Savage (Director, Hames Sharley) attended.

**RESOLVED
86/14**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 9289 (622) Lee Point Road, Town of Nightcliff for the purpose of additions to existing caravan park and motel comprising an ancillary recreational hall and cyclone shelter 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) appropriate number of car parking spaces required by Clause 6.5.1
 - (b) details of car parking layout in accordance with Clause 6.5.3
2. Prior to the endorsement of plans and prior to the commencement of works, approval from the Northern Territory Government for the proposed crossover onto Buffalo Creek Road is to be submitted to the satisfaction of the consent authority.
3. Prior to the endorsement of plans and prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the relevant service authorities stormwater drainage system shall be submitted to and approved by relevant service authority to the satisfaction of the consent authority.
4. 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 waste management, storm water drainage, how construction will be managed on the site, and is to include details of the haulage of excavated and new materials and traffic management for construction vehicles.

5. Prior to the endorsement of plans and prior to the commencement of works the applicant shall re-submit design drawings to Power and Water as detailed within their submission dated 21 March 2014, to the satisfaction of the consent authority.
6. Prior to the endorsement of plans and prior to the commencement of works, internal firefighting arrangements shall be made to the satisfaction of and approved by NT Fire and Rescue Service, to the satisfaction of the consent authority.

GENERAL CONDITIONS

7. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
8. The use and development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
9. A City of Darwin works permit will be required to be submitted and approved prior to any works commencing on Buffalo Creek Road.
10. Before the use commences the owner is to provide documentary evidence to the satisfaction of the consent authority upon the advice of the Department of Health that the existing effluent disposal system is of sufficient capacity to cope with the projected increased loading.
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 to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
13. Before the use of the development starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat;
 - (d) drained;
 - (e) line marked to indicate each car space and all access lanes; and
 - (f) clearly marked to show the direction of traffic along access lanes and driveways;to the satisfaction of the consent authority.
Car spaces, access lanes and driveways must be kept available for these purposes at all times.

14. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
 15. "No entry/no exit" signs and arrows directing the internal traffic movement on site shall be provided at completion of building to the requirements and satisfaction of the consent authority.
 16. Protective kerbs (of a minimum height of 150mm) must be provided to the satisfaction of the consent authority to prevent damage to fences or landscaped areas.
 17. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Northern Territory Government and City of Darwin, to the satisfaction of the consent authority.
- and
- 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 Northern Territory Government and City of Darwin, to the satisfaction of the consent authority.
18. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the relevant service authority, to the satisfaction of the consent authority.
 19. All balconies are to be internally drained and discharge is to be disposed of at ground level and in a manner consistent with stormwater disposal arrangements for the site to the satisfaction of the consent authority.
 20. Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view 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. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the buildings.
 23. 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. This permit will expire if one of the following circumstances applies:
 - (a) the development is not started within two years of the date of this permit; or

- (b) the development is not completed within four years of the date of this permit. The consent authority may extend the periods referred to if a request is made in writing before the permit expires.
2. 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.
 3. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
 4. The Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency's Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
 5. The Development Consent Authority request the provision of a Masterplan which indicates the potential future development and use of the site.

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into account any planning scheme that applies to the land to which the application relates.

A variation to Clause 6.1 (General Height Control) is considered acceptable in this instance due to the non-compliance relating to only a small part of the roof structure. In addition the proposed development presents as a single storey building on one side and aesthetically blends in with the surrounding environment which minimises the effects of building massing. Furthermore, the non-compliance will not impact on any surrounding development.

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.

The land is currently undeveloped and relatively flat. There is no reason to suggest that the land is not capable of supporting the proposed development. Furthermore, no concerns have been raised by service authorities in relation to the capability or physical characteristics of the land.

3. Pursuant to Section 51(n) of the *Planning Act*, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated.

It is reasonable to expect that the proposed recreation hall/cyclone shelter will improve the existing amenity of the area by providing additional facilities and a cyclone shelter for the residents of the Caravan Park and motel. Subject to capacity, it is also possible that nearby residents could utilise the cyclone shelter and there is potential for the proposed recreation hall to extend its services to the general public, thus increasing available amenity in the area.

ACTION: Notice of Consent and Development Permit

ITEM 3
PA2014/0216
APPLICANT

SINGLE DWELLING WITH REDUCED FRONT SETBACK
LOT 7810 (2) NOTLEY PLACE, TOWN OF DARWIN
DPL DEVELOPMENTS

DAS tabled an addendum – further comments from the submitters.

Mr Darron Lyons (DPL Developments) attended.

Submitter:- Mr Paul & Mrs Kathleen Zerafa attended.

RESOLVED
87/14

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 7810 (2) Notley Place, Town of Darwin 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:

1. Modelling of the proposed development to demonstrate that the proposed design is not likely to adversely affect the amenity of adjoining properties and more specifically the amenity of Lot 7611 (1) Notley Place.

REASON 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 4

WITHDRAWN

ITEM 5
PA2014/0159

**SHOWROOM SALES IN A SINGLE STOREY BUILDING WITH GROUND LEVEL
CARPARK
PORTION 2845 (790) VANDERLIN DRIVE, HUNDRED OF BAGOT
GROUP 1 CONSULTING**

APPLICANT

DAS tabled an addendum – power and water comments.

Mr Jim Eadie (Sunbuild) attended on behalf of the applicant.

**RESOLVED
88/14**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 2845 (790) Vanderlin Drive, Hundred of Bagot for the purpose of showroom sales in a single storey building with ground level car parking, 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:

- Demonstration that the proposal provides sufficient off-street car parking to service the proposed use of the site in accordance with the requirements of clause 6.5.1 (Parking Requirements). Further justification for any continued non-compliances should also be provided and presented in the context of special circumstances which justify the giving of consent;
- Revised plans detailing the internal driveway circulation, particularly in relation to the area on the eastern boundary and its relationship with the adjacent site;
- Written advice from a suitably qualified person demonstrating that the parking layout is appropriately designed for its intended purpose and complies with the requirements of clause 6.5.3 (Parking Layout) and relevant Australian Standards. Further justification for any continued non-compliances should also be provided and presented in the context of special circumstances which justify the giving of consent;
- Demonstration that the proposed landscaping reduces the visual impact and provides shading and screening of open expanses of pavement and car parking in accordance with clause 8.2;
- Written advice from City of Darwin in relation to the access and suitability of the proposed waste bin storage arrangements;
- Written advice from City of Darwin confirming that negotiations regarding the sale of the road reserve land are at a stage that it is appropriate to consider the application; and
- Any amendments to the application that arise as a result of the above information request.

REASON 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
PA2014/0179

CARPORT ADDITIONS TO EXISTING MULTIPLE DWELLINGS WITH REDUCED FRONT SETBACKS

APPLICANT

**LOT 9468 (336) CASUARINA DRIVE, TOWN OF NIGHTCLIFF
JB INDUSTRIES (NT) PTY LTD**

Mr Jason Mockby (Unit Owner) attended on behalf of the application and showed a photograph showing the shadecloth in situ prior the development of Mr & Mrs Bailey's house.

Submitters in attendance:- Mr John & Mrs Margot Bailey.

**RESOLVED
89/14**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 7810 (2) Notley Place, Town of Darwin 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:

- Evidence that the proposed design is not likely to adversely affect the amenity of adjoining properties.

REASON 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 7
PA2014/0178
APPLICANT

**RESTAURANT AND OFFICE ADDITION TO EXISTING MOTEL
PORTION 1446 (374) STUART HIGHWAY, HUNDRED OF BAGOT
NORTHERN ABORIGINAL CULTURAL & EDUCATIONAL ASSOCIATION LTD**

Mr Michael Alakiotis (Northern Building Consultants) and Mr Scott Foster attended.

**RESOLVED
90/14**

That, the Development Consent Authority vary the requirements of Clause 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Portion 1446 (374) Stuart Highway for the purpose of a restaurant and office addition to an existing motel, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be

provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

- (a) bicycle access and storage facilities; and
- (b) landscaping to reduce the visual impacts for the entire frontage of Lots 1446 & 2950 on Stuart Highway and provide shade and screening of open expanses of pavement and car parking; Landscaping is to be to the requirements of the City of Darwin to the satisfaction of the consent authority.

2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to provide evidence of submission and acceptance from the Department of Transport of the traffic impact statement requested in its technical comment dated 1 April 2014.
3. Prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Darwin and/or Department of Transport stormwater drainage system (as the case may be) shall be submitted to and approved by the City of Darwin and/or Department of Transport, to the satisfaction of the consent authority.
4. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare an Environmental Construction Management Plan (ECMP), to the requirements of the City of Darwin, to the satisfaction of the consent authority. The ECMP is to address how construction will be managed on the site, and is to include details of the haulage of excavated and new materials, traffic management for construction vehicles, fencing and hours of construction.
5. Prior to the commencement of works (including site preparation) a waste management plan in accordance with Council's Waste Management Policy is required to be submitted, to the requirements of the City of Darwin, to the satisfaction of the consent authority.

GENERAL CONDITIONS

6. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
7. 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 plans in accordance with the authorities' requirements and relevant legislation at the time.
8. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the City of Darwin and/or Department of Transport (as the case may be), to the satisfaction of the consent authority.
9. Where unfenced, the Stuart Highway frontage is to be appropriately fenced in accordance with the Department of Transport's standards and requirements to the satisfaction to the consent authority.

10. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) collect stormwater and discharge it to the drainage network; and
 - (c) undertake reinstatement works;
all to the technical requirements of and at no cost to the City of Darwin and/or Department of Transport (as the case may be), to the satisfaction of the consent authority.
11. The use and/or development as shown on the endorsed plans must not be altered without the further consent 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. Before the use 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. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
15. The car parking shown on the endorsed plan(s) must be available at all times for the exclusive use of the occupants of the development and their patrons/visitors.
16. "No entry/no exit" signs and arrows directing the internal traffic movement on site shall be provided at completion of building to the requirements and satisfaction of the consent authority.
17. The loading and unloading of goods from vehicles must only be carried out on the land (within the designated loading bay[s] and must not disrupt the circulation and parking of vehicles on the land).
18. Before the use starts the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
19. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.

20. Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the consent authority.
21. All air conditioning condensers 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.
22. 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.

NOTES:

1. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the National Construction Code of Australia, the *NT Public Health Act* and Regulations, the *NT Food Act* and National Food Safety Standards.
2. The finish of any Prime Identification sign, if erected, shall be such that, if illuminated, day and night readability is the same and is of constant display (i.e. not flashing or variable message). The sign shall be positioned:
 - (a) so as not to create sun or headlight reflection to motorists; and
 - (b) be located entirely (including foundations and aurally) within the subject lot.
3. 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.

REASONS FOR THE DECISION

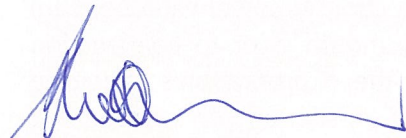
1. The property is in Zone SC (Service Commercial) of the NT Planning Scheme which is designed to provide for commercial activities which, because of the nature of their business or size of the population catchment, require large sites. Use of the site for a motel is understood to have been ongoing since the mid-1970s with this application seeking to add a restaurant and office addition to the existing development. The ongoing use of the site for this purpose and additions proposed are not considered to be of a nature to adversely impact on the ongoing use of the site or the current and future use of surrounding land.
2. A variation to the requirements of Clause 6.5.3 (Parking Layout) of the NT Planning Scheme to allow a section of the internal driveways to have a width of 3.5m instead of the required 6m is considered appropriate as:

- a. The affected section of driveway is gated which will restrict access to on-site staff only and other authorised persons; and
 - b. New site signage is proposed that alerts motel guests and members of the public that access to the driveway is for 'staff only' thereby discouraging its use.
3. The restaurant addition is assessed as creating demand for 16 additional on-site car parking bays. This assessment is based on information provided within the application that confirms that the restaurant will be ancillary to the existing motel and will come under the same management. Should management arrangements be altered, re-assessment of the restaurant and the calculated car parking demand for the site will be necessary to ensure that sufficient on-site car parking is provided for patrons and guests.
 4. 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 requirement for landscaping on the Stuart Highway boundary will soften visual impact and provide shading to new car parking areas. The requirement for bicycle facilities will add to the amenity of the site and in both instances better compliance with Clause 8.2 (Commercial and Other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T) of the Planning Scheme.

ACTION:

Notice of Consent and Development Permit

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



PETER MCQUEEN
Chairman

1/5/14