



# DEVELOPMENT CONSENT AUTHORITY

## DARWIN DIVISION

### MINUTES

**MEETING No. 218 – FRIDAY 6 SEPTEMBER 2013**

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

**MEMBERS PRESENT:** Peter McQueen (Chairman), David Hibbert, Grant Tambling, Garry Lambert and Robin Knox

**APOLOGIES:** Nil

**OFFICERS PRESENT:** Margaret Macintyre (Secretary), Linda Henning, Steven Conn, Sally Cunningham and Anthony Brennan (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Nil

**Meeting opened at 9.45 am and closed at 11.45 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**                    **EXPANSION OF EXISTING SELF STORAGE FACILITY**  
**PA2013/0547**           **LOT 9211 (21) DE LATOUR STREET, TOWN OF NIGHTCLIFF**  
**APPLICANT**           **BELL GABBERT ASSOCIATES PTY LTD**

Mr Wayne Gabbert (Bell Gabbert Associates) and Mr Bob Gillen (owner) attended.

Mr Gabbert tabled plans showing:-

1. traffic movement/swept paths for design vehicles; and
2. site access and stormwater management plan.

**RESOLVED**  
**201/13**

That, the Development Consent Authority reduce the car parking requirement for the site by 14 parking bays pursuant to 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 9211 (21) De Latour Street, Town of Nightcliff for the purpose of the expansion of the existing self storage facility, subject to the following conditions:

**CONDITION PRECEDENT**

1. Prior to the commencement of works, the applicant is to prepare a schematic plan demonstrating all stormwater to be collected on the site and discharged to the requirements of City of Darwin and to the satisfaction of the consent authority.

**GENERAL CONDITIONS**

2. The works carried out under this permit shall be in accordance with the drawings numbered 2013/0547/01 – 2013/0547/07, endorsed as forming part of this permit.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities, and electricity to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
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. 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.

**NOTE:**

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 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 proposed development is consistent with the purpose of zone LI (Light Industry) which is to provide for light industry uses or development activities that will not by the nature of their operation, detrimentally affect the adjoining or nearby land. The proposal is for expansion of an existing self storage warehouse facility which is considered to align with the purpose of the zone.
2. The consent authority notes the zoning of the land, the provision of carparking spaces in the vicinity, and the availability of public transport in the area, as required by clause 6.5.2 (Reduction in Parking Requirements). The primary justification for the acceptance of the level of parking provided on-site is the nature of the use, being for a self storage facility, is of a low intensity, necessitating a far lower number of parking bays than is ordinarily required by the Planning Scheme, which is supported by the traffic and parking study for self storage facilities, undertaken by Aurecon Australia Pty Ltd (July 2009), supporting the applicant's assertion that the shortfall in 14 parking spaces will not detrimentally impact the operation of the business or affect the availability of on-street parking available in the area for other uses of the area.
3. A schematic stormwater plan is required in order for the development to demonstrate that it is technically feasible to collect stormwater on the site and dispose of it into Council's stormwater drainage system, and to ensure that no stormwater will sheet-flow into the road reserve or onto adjoining properties.

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

**ITEM 2  
PA2012/0251  
APPLICANT**

**SUBDIVISION AND CONSOLIDATION TO CREATE 3 LOTS  
LOT 5988 AND 7433 (57) BAYVIEW BOULEVARD, TOWN OF DARWIN  
EARL JAMES AND ASSOCIATES**

Mr Kevin Dodd (Earl James & Associates) attended.

Submitters in attendance:- Mr Ross Finocchiaro and Mr Paul Siskamanis.

**RESOLVED  
202/13**

That, the Development Consent Authority vary the requirements of Clause 11.1.1 (Minimum Lot Sizes and Requirements) and Clause 11.2.2 (Infrastructure and Community Facilities in Residential Subdivisions) of the NT Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lots 5988 & 7433 (57) Bayview Boulevard, Town of Darwin, for the purpose of subdivision and consolidation to create 2 lots, subject to the following conditions:

**CONDITIONS**

1. The subdivision carried out under this permit shall be in accordance with drawing number 2012/0251/1 endorsed as forming part of this permit.
2. 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.
3. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for approval by the Surveyor General.
4. The permit holder must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity supply services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

**NOTE:**

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 to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/ or surrounding infrastructure.

**REASONS FOR THE DECISION**

1. A variation to Clause 11.1.1 (Minimum Lot Sizes and Requirements) of the NT Planning Scheme to create 2 lots within Zone FD (Future Development) less than 50ha in area is considered satisfactory in this instance as the proposal does not prejudice the intended ultimate subdivision and future use or development of the land.
2. A variation to Clause 11.2.2 (Infrastructure and Community Facilities in Residential Subdivisions) of the NT Planning Scheme to provide less than the minimum private open space is acceptable as there is sufficient existing open space including public walking tracks, the marina and the Tiger Brennan Drive buffer.

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

**ITEM 3**  
**PA2013/0544**  
**APPLICANT**

**ANCILLARY RESTAURANT AND CABIN ADDITION TO AN EXISTING CARAVAN  
PARK DEVELOPMENT  
SECTION 3244 (11) FARRELL CRESCENT, HUNDRED OF BAGOT  
MASTERPLAN NT**

Mr Brad Cunnington and Ms Adelle Godfrey (Masterplan NT) attended.

**RESOLVED**  
**203/12**

That, the Development Consent Authority vary the requirements of clause 7.10.3 (Caretaker's Residence) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Section 3244 (11) Farrell Crescent, Hundred of Bagot for the purpose of an ancillary restaurant and caretaker's residence addition to an existing caravan park development, subject to the following conditions:

**CONDITIONS PRECEDENT**

1. Prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Darwin's stormwater drainage system shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority. The plan shall include details of site levels and Council's stormwater drain connection point/s.
2. Prior to the commencement of works, 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 should specifically address waste management, traffic control, haulage routes, stormwater drainage, and the use of City of Darwin Land during construction.

**GENERAL CONDITIONS**

3. The works carried out under this permit shall be in accordance with the drawings numbered 2013/0544/1 to 2013/0544/3, 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. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities and electricity and telecommunication networks to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
6. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of, and be at no cost to the City of Darwin, to the satisfaction of the consent authority.

7. 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, and to the satisfaction of the consent authority.
8. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
9. Waste bin storage and pick-up shall be provided in accordance with City of Darwin Policy Number 54 – Waste Management, to the requirements of City of Darwin, to the satisfaction of the consent authority.
10. The restaurant and caretaker's residence shall be constructed such that they meet the acoustic performance ratings given in Australian Standard AS 2021 – 2000 '*Acoustics – Aircraft Noise Intrusion – Building Siting and Construction*'.
11. The restaurant is ancillary to the existing caravan park development and is only to be used by guests of the caravan park.
12. Any lighting installed as part of the development is to consider section 9.21 '*Lighting in the Vicinity of Aerodromes*' of the CASA Manual of Standards Part 139, available at:  
<http://www.casa.gov.au/wcmswr/assets/main/rules/1998casr/139/139mfull.pdf>.
13. The site is to be kept clean of rubbish and any storage of waste is to be managed at all times in a manner so as to not attract birds or bats, to the satisfaction of the consent authority.
14. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
15. No polluted and/or sediment laden run-off is to be discharged directly or indirectly to 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 to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure
2. Notwithstanding the approved plans, any works and/ or landscaping within Council's road reserve is subject to Council's approval and shall meet all

Council's requirements to the satisfaction of the City of Darwin and at no cost to Council.

3. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the Building Code of Australia, the *NT Public Health Act* and Regulations, the *NT Food Act* and National Food Safety Standards.
4. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to Council.
5. The Department of Lands, Planning and the Environment's 'Environment Protection Agency' advises that construction work should be conducted in accordance with the Department's Noise guidelines for development sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

### **REASONS FOR THE DECISION**

1. The proposed development is ancillary to the existing caravan park and consistent with the primary purpose of Zone CV (Caravan Parks), being "to provide for caravan parks".
2. A variation to the requirements of clause 7.10.3 (Caretaker's Residence) is acceptable as the caretaker's residence is clearly not the primary purpose of the land which is developed and continues to be developed as a caravan park. The proposal is well setback from Farrell Crescent and will have little or no impact on the general industry uses to the east. The size of the caretaker's residence is considered acceptable to accommodate the manager of the caravan park given the area of the site and a variation to the requirements of the clause is acceptable in this instance.
3. The introduction of an ancillary restaurant and caretaker's residence to an existing caravan park is compatible with the existing use on the site, it is not expected to result in any detrimental amenity impacts in the area, and subject to the satisfaction of all conditions, including the requirement to meet acoustic treatment criteria, no amenity impacts are expected.
4. Construction to the standards of Australian Standard AS 2021 – 2000 '*Acoustics – Aircraft Noise Intrusion – Building Siting and Construction*' shows that the proposal acknowledges the ANEF contour value that affects the land, and ensures that the restaurant and caretaker's residence will be protected against the majority of noise impacts resulting from the site's proximity to Darwin airport. The development satisfies the purpose of clause 6.9 (Land in Proximity to Airports) of the Planning Scheme, to "minimise the detrimental effects of aircraft noise on people who reside or work in the vicinity of an airport".

5. Satisfaction of section 9.21 '*Lighting in the Vicinity of Aerodromes*' of the CASA Manual of Standards Part 139 is required in order to meet subclause 4 of clause 6.9 (Land in Proximity to Airports), which requires that "lighting associated with development on land within flight approach paths is not to prejudice the safe operation of an airport".
6. It is necessary the site is kept clean of rubbish and any waste which is stored on the site is to be covered at all times to ensure that the development is in accordance with subclause 5 of clause 6.9 (Land in Proximity to Airports) which states that the development of "land is not to be of a nature that attracts birds or bats to an extent that prejudices the safe operation of an airport".
7. A schematic stormwater plan is required in order for the development to demonstrate that it is technically feasible to collect stormwater on the site and dispose of it into the appropriate stormwater drainage system, and to ensure that no stormwater will sheet-flow into the road reserve or onto adjoining properties.

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

**ITEM 4**  
**PA2013/0508**  
**APPLICANT**

**ADDITIONS TO AN EXISTING SINGLE DWELLING WITH A ZERO SIDE SETBACK  
LOT 239 (11) ARALIA STREET, TOWN OF NIGHTCLIFF  
ROSSI ARCHITECTS**

Late afternoon the day prior to the meeting the applicant requested that the application be deferred to another meeting but was advised that the authority would still determine it at this meeting. The applicant did not attend the meeting.

**RESOLVED**  
**204/13**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 239 (11) Aralia Street, Town of Nightcliff for the purpose of additions to an existing single dwelling with a zero side 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:

- Provision of written advice confirming that consultation between the applicant and affected adjoining landowner has occurred, with a view to ensuring that that the size, materials and finish of the proposed terrace wall located on the side boundary is satisfactory to the affected adjoining landowner; and/or
- Amended plans which more closely comply with the requirements of the Northern Territory Planning Scheme.



## REASON FOR THE DECISION

The request for additional information confirming that consultation between the applicant and affected adjoining landowner has occurred is necessary to ensure that any adverse effects of building massing when viewed from adjoining land is minimised. Consent can only be given if the consent authority is satisfied that special circumstances justify the giving of consent, and amendments may be required to the proposal for greater compliance to clause 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme

**ACTION:** Advice to Applicant

**ITEM 5**  
**PA2013/0538**

**9 X 1 BEDROOM, 312 X 2 BEDROOM AND 1 X 3 BEDROOM MULTIPLE DWELLINGS IN A 28 STOREY BUILDING INCLUDING CAR PARKING ON THE GROUND, FIRST, SECOND, THIRD AND FOURTH LEVELS AND 1 X LEVEL OF BASEMENT CARPARKING**

**APPLICANT**

**LOT 1622 (4) CAREY STREET, TOWN OF DARWIN  
CAREY STREET PTY LTD**

Pursuant to section 97(1) of the *Planning Act*, Mr Peter McQueen, Chairman, Development Consent Authority declared a conflict of interest and was not present during or took part in the deliberation or decision of the Division in relation to this item.

That, pursuant to section 101(3) of the *Planning Act*, in the Chairman's absence the members of the Darwin Division of the Development Consent Authority elect Grant Tambling to preside at the hearing of item 5 on Friday 6 September 2013.

Mr Simon Dyer (architect), Mr Bernie O'Connell and Mr Vince Albertoni (attended on behalf of the applicant).

**RESOLVED**  
**205/13**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 1622 (4) Carey Street, Town of Darwin for the purpose of 9 x 1 bedroom, 312 x 2 bedroom and 1 x 3 bedroom multiple dwellings in a 28 storey building including carparking on the ground, first, second, third and fourth levels and 1 x level of basement carparking, pending submission of the following additional information considered necessary to enable its proper consideration:

- Evidence that the units and common lobby areas will be provided with natural cross ventilation, with sufficient natural lighting to allow for an appropriate amenity outcome for future residents, and giving consideration to the promotion of building design that gives consideration to the Territory's tropical climate/ environment.
- Movement of the water meter assembly and booster arrangement to a distance of approximately 4.2m from the front boundary, to the requirements of the Power and Water Corporation and the NT Fire and Rescue Service, to the satisfaction of the consent authority.

## REASONS FOR THE DECISION

1. As noted by subclauses 2(i) and 2(j) of clause 7.8 (Building Design for Multiple Dwellings, Hostels and Supporting Accommodation), "Building design should balance the achievement of visual and acoustic privacy with passive climate control features, and allow for breeze penetration and circulation". The design presented to the DCA for determination did not provide adequate evidence that the development would see an appropriate level of liveability and amenity provided to the future occupants of the units. The purpose of clause 7.8 is to "Promote site responsive designs for hostels, multiple dwellings and supporting accommodation, which are pleasant for the occupants and do not unreasonably affect the use and enjoyment of adjacent land".
2. The further movement of the water meter assembly and booster arrangement from the front boundary will ensure an improved visual outcome and higher level of activation of the main street frontage, in line with the main purpose and design criteria given by clause 6.3.3 (Urban Design Requirements in Central Darwin) of the NT Planning Scheme.

**ACTION:** Advice to Applicant

**ITEM 6**  
**PA2013/0553**

**APPLICANT**

**48 X 2 & 6 X 3 BEDROOM MULTIPLE DWELLINGS, SHOP, SHOWROOM, WAREHOUSE, GYM AND OFFICES IN A 1 X 2, 1 X 1 & 3 X 3 STOREY BUILDINGS LOT 9240 (348) BAGOT ROAD, TOWN OF NIGHTCLIFF**  
**BELL GABBERT ASSOCIATES PTY LTD**

Mr Mark Bell (Bell Gabbert Associates) attended.

**RESOLVED**  
**206/13**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 9240 (348) Bagot Road, Town of Nightcliff for the purpose of 48 x 2 bedroom and 6 x 3 bedroom multiple dwellings, a shop, showrooms, storage area and a gymnasium, and offices in 1 x 1 storey, 1 x 2 storey and 3 x 3 storey buildings, to be constructed in four stages, subject to the following conditions:

### CONDITIONS PRECEDENT

1. 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 all stormwater to be collected on the site and discharged into the local underground stormwater system, to the standards and approval of the Department of Transport's Road Networks Division and/ or 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 prepare a traffic impact assessment report prepared in accordance with the Austroads document 'Guide to Traffic Management Part 12: Traffic Impacts of Developments'. The report 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.

3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to obtain confirmation that all works to Fitzgerald Street, including crossovers and driveways to Lot 9240, and works affecting the slip lane, are to the standards and requirements of the City of Darwin, to the satisfaction of the consent authority.
4. 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 specifically address the following: waste management; traffic control; haulage routes; storm water drainage; use of City of Darwin land; and how the land will be managed during the construction stage, to the satisfaction of the consent authority.

### GENERAL CONDITIONS

5. Works carried out under this permit shall be in accordance the plans endorsed as forming part of this permit.
6. All noise attenuation works deemed necessary for the caretaker's residence to comply with Australian Standard AS 3671 'Road traffic noise intrusion – Building siting and design' are to be completed prior to issue of an Occupancy Permit under the *Building Act*.
7. 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.
8. 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.
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 telecommunication networks to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
10. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of, and be at no cost to the City of Darwin, to the satisfaction of the consent authority.
11. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the City of Darwin and/ or the Road Networks Division, to the satisfaction of the consent authority.

12. The owner shall:
  - (e) remove disused vehicle and/ or pedestrian crossovers;
  - (f) provide footpaths/ cycleways;
  - (g) collect stormwater and discharge it to the drainage network; and
  - (h) undertake reinstatement works;all to the technical requirements of, and at no cost to the City of Darwin, and to the satisfaction of the consent authority.
13. Before the use or occupation 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; and
  - (d) drained;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 loading and unloading of goods from vehicles must only be carried out on the subject site, and is not to disrupt the circulation and parking of vehicles on the land. All loading bays are to be line marked.
16. Soil erosion and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
17. 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.
18. 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.
19. 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 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. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.

**NOTES:**

1. The Power and Water Corporation advises that:
  - The current local infrastructure cannot sustain the necessary fire fighting flows for the development and as a result the developer will be required to contribute towards the upgrade of the local water reticulation infrastructure. The applicant/ developer should contact Power and Water Corporation's Services Development Technical officers prior to the commencement of works to discuss water supply and contribution requirements.
  - Payment is to be made in accordance with PAWC's 'water and sewerage services extension policy' (WASSEP) prior to the receipt of development clearance from PAWC.
  - 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.
2. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities.
3. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities.
4. Notwithstanding the approved plans, all signage is subject to the approval of the City of Darwin.
5. Notwithstanding the approved plans, any proposed awnings, footpaths and landscaping works within Council's road reserve are subject to approval from the City of Darwin, and shall be undertaken at no cost to the City of Darwin.
6. 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 so as not to create sun or headlight reflection to motorists, and be located entirely (including foundations and aurally) within the subject lot.
7. All proposed works within, or impacting upon, the Bagot Road road reserve shall be in accordance with the standards and specifications of the Department of Transport.

8. It is advised that any works within the Bagot Road road reserve will require a 'Permit to work within a road reserve' from the Department of Infrastructure.
9. It is an offence to cause an environmental nuisance under section 83(5) of the *Waste Management and Pollution Control Act*.
10. In the event that food is provided for customers, the business must be registered with the Department of Health and Families' Environmental Health Greater Darwin Region and must comply with the *NT Food Act 2004* and the national food safety standards: Standard 3.1.1 Interpretation and Application, Standard 3.2.2 Food Safety Practices and General Requirements and Standard 3.2.3 Food Premises and Equipment.
11. The design and construction of the food premises must comply with the *NT Food Act 2004* and the national food safety standards: Standard 3.2.3 Food Premises and Equipment and the Building Code of Australia.
12. Detailed plans must be submitted to the Department of Health and Families' Environmental Health Greater Darwin Region via a building certifier for approval prior to the construction of building works. Following approval the premises is required to be registered as a Food Business with the Department of Health and Families' Environmental Health Greater Darwin Region prior to the use being undertaken.

#### **REASONS FOR THE DECISION**

1. The proposal is consistent with the primary purpose of zone C (Commercial), which is, "to provide for a range of business and community uses", and is of a 'scale and character appropriate to the service function of the centre, respects the amenity of adjacent and nearby uses, and promotes community safety in building design, having regard to adjacent and nearby uses', as also given by clause 5.8 (Zone C – Commercial) of the Northern Territory Planning Scheme.
2. A schematic stormwater plan is required in order for the development to demonstrate that it is technically feasible to collect stormwater on the site and dispose of it into the stormwater drainage system, and to ensure that no stormwater will sheet-flow into the road reserve or onto adjoining properties.
3. A traffic impact assessment report, in accordance with the Austroads document 'Guide to Traffic Management Part 12: Traffic Impacts of Developments', is required in order to demonstrate that the development can be supported without undue impact on the site and locality.
4. The development proposes changes to the Fitzgerald Street road reserve through modification of the existing slip lane and vehicular access to Lot 9240. Such works will need to be undertaken to the requirements of the City of Darwin, and be to the satisfaction of the consent authority. This, coupled with the traffic impact assessment report, should ensure that the

site and surrounding road network can ably accommodate the development.

5. 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. In this regard, the fully compliant nature of the works proposed through this application are noted and seen as a positive aspect to the application.
6. In accordance with the requirements of section 51(m) of the *Planning Act*, consideration has been given to all comments received from service authorities. 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.
7. 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. Subsequently, noise attenuation, to the standards given in Australian AS 3671 'Road traffic noise intrusion – Building siting and design' is to be undertaken to ensure an appropriate level of amenity to the occupants of the caretaker's residence, noting its proximity to Bagot Road.

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

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

  
**GRANT TAMBLING**  
Delegate

16/9/13

