



# **DEVELOPMENT CONSENT AUTHORITY**

## **DARWIN DIVISION**

### **MINUTES**

**MEETING No. 310 – FRIDAY 9 MARCH 2018**

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

**MEMBERS PRESENT:** Suzanne Philip (Chair), Doug Phillips, John Gleeson, Sherry Cullen and Mick Palmer

**APOLOGIES:** Nil

**OFFICERS PRESENT:** Margaret Macintyre (Secretary), Dawn Parkes, Amit Magotra, Ben Wollinski and Stuart Harris (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Mr James Whyte and Mr Brian Sellars (Item 6 only)

**Meeting opened at 10.30 am and closed at 1.00 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**                    **30M HIGH TELECOMMUNICATION FACILITY WITH ASSOCIATED**  
**PA2017/0610**            **ANTENNAS AND EQUIPMENT SHELTERS**  
**APPLICANT**            **LOT 9117 (281) BAGOT ROAD, TOWN OF NIGHTCLIFF**  
**SERVICE STREAM LTD**

Mr Graeme Lane (Service Stream Ltd) and Mr Craig Schmidt (Telstra) attended.

**RESOLVED**            That, pursuant to section 53(a) of the *Planning Act*, the Development Consent  
**28/18**                    Authority consent to the application to develop Lot 9117 (281) Bagot Road, Town  
of Nightcliff for the purpose of a 30m high telecommunication facility with  
associated antennas and equipment shelters, 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 provide advice from the Department of Defence that approval is granted for the height of the structure, to the satisfaction of the consent authority.
2. 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 City of Darwin.
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. The ECMP should include details of the location of the crane and any holding areas.

#### **GENERAL CONDITIONS**

4. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity facilities to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
6. Appropriate soil erosion, sediment and dust control measures must be effectively implemented throughout the construction stage of the development and all disturbed soil surfaces must be suitably stabilised against erosion at completion of works, to the satisfaction of the Consent Authority.

## NOTES:

1. The site is subject to the 'Defence Areas Control Regulations (DACR)'. All structures, including temporary structures, higher than 15m above ground level, including, but not limited to, additional buildings, light poles, cranes used during construction, vegetation etc., require approval from the Department of Defence.
2. 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.
3. Darwin International Airport advises that separate requests for assessment and approval must be submitted to Darwin International Airport and the Department of Defence for any cranes used during construction that will infringe on either the Obstacle Limitation Surfaces (OLS) or Procedures for Air Navigation Services – Operations (PANS-OPS) surfaces for Darwin Airport.
4. A "Permit to Work Within a Road Reserve" may be required from City of Darwin before commencement of any work within the road reserve.
5. 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 the Department of Environment and Natural Resources. Information can be obtained from the IECA Best Practice Erosion and Sediment Control Guidelines 2008 available at [www.austieca.com.au](http://www.austieca.com.au) and the NTG website <https://nt.gov.au/environment/soil-land-vegetation>.

## 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 development proposed is consistent with the purpose of Zone LI (Light Industry) of the Northern Territory Planning Scheme. A telecommunication facility is considered to be compatible with the zone streetscape and surrounding development.

The proposal is fully compliant with the applicable requirements of the Northern Territory Planning Scheme. It is noted that the proposal accords with other applications in which the Authority has issued in relation to telecommunication facilities.

The application is supported in this instance as:

- The proposal was assessed against the Northern Territory Planning Scheme and was found to be fully compliant.
- The facilities are sited centrally on the lot located behind existing warehouses, providing a visual barrier to the proposed telecommunication facility.

- It is anticipated that the addition of a telecommunication facility will not have any detrimental effects on amenity as existing telecommunication facilities exist within the locality.
  - The development proposal was publicly exhibited and no submissions were received.
2. Pursuant to section 51(n) of the *Planning Act*, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated.

The addition of a telecommunication facility would be unlikely to have an adverse impact on the existing and future amenity of the area as there are existing telecommunication facilities nearby. When viewed from the street the impact on amenity would be minimal, as the facilities are sited centrally on the lot and well setback from the primary street.

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

**ITEM 2**  
**PA2017/0530**  
**APPLICANT**

**SHED ADDITION TO AN EXISTING MULTIPLE DWELLING WITH A REDUCED FRONT SETBACK**  
**LOT 1967 (12) WINSTON AVENUE, TOWN OF DARWIN**  
**MOONBEAM DESIGN**

Mr Chris Renehan (Moonbeam Design) and Mr George Valles (Chairman, Body Corporate) attended.

Mr Renehan tabled four photos of the site.

**RESOLVED**  
**29/18**

That, the Development Consent Authority vary the requirements of Clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 1967 (12) Winston Avenue, Town of Darwin for the purpose of a shed addition to an existing multiple dwelling with a reduced front setback, subject to the following conditions:

**GENERAL CONDITIONS**

1. The works carried out under this permit shall be in accordance with the drawing 2017/0530/01 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. 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.
4. Before the use 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.

5. 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.

#### **NOTES:**

1. This development permit does not grant "building approval" for the proposed structure. The Building Code of Australia requires that certain structures within 900mm of a boundary meets minimum fire resistance level requirements and you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing demolition or construction works.
2. Any proposed works on/over City of Darwin property shall be subject to separate application to City of Darwin and shall be carried out to the requirements and satisfaction of City of Darwin.
3. City of Darwin advises that designs and specifications for landscaping of the road verges adjacent to the property shall be submitted for approval by the General Manager Infrastructure, City of Darwin and all approved works shall be constructed at the applicant's expense, to the requirements of City of Darwin.

#### **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 development proposed is consistent with the purpose of Zone MR (Medium Density Residential) of the Northern Territory Planning Scheme. The shed is considered to be compatible with the zone streetscape and surrounding development.

2. Pursuant to Clause 2.5 (Exercise of Discretion by the Consent Authority) of the Northern Territory Planning Scheme, the Authority may consent to a development that does not meet the standard set out in Part 4 and 5 of the Planning Scheme where it is satisfied that special circumstances justify the granting of consent.

The proposal presents a non-compliance with Clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures). It is noted that the proposal accords with other applications in which the Authority has issued a variation to front setback requirements for ancillary structures such as a shed/garage/studio.

A variation is supported in this instance as:

- Landscaping at the property frontage complements the visual amenity of the streetscape and provides a visual barrier to the proposed shed.
- It is anticipated the shed will have minimal adverse effects of building massing when viewed from adjoining land and the street, due to its small size and 2.1m height limit.

- It is anticipated that the shed will not have a detrimental effect on residential amenity as it is a type of development ordinarily expected within the zone.
  - There is limited space due to the site having two street frontages constraining where the shed could be sited.
  - The development proposal was publicly exhibited and no submissions received.
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.

There is no change of use proposed and the addition of a shed would be unlikely to have an adverse impact on the existing and future amenity of the area. The proposal is consistent with Zone MR (Medium Density Residential) and is ancillary to the residential use of the site. The size and scale of encroachment upon the minimum front setback is not expected to negatively impact upon the neighbouring lots or streetscape.

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

**ITEM 3**                    **ALTERATIONS AND ADDITIONS TO AN EXISTING SINGLE DWELLING**  
**PA2017/0620**           **WITH A REDUCED FRONT SETBACK**  
**APPLICANT**           **LOT 1097 (1) PEREGRINE STREET, TOWN OF SANDERSON**  
**ONE PLANNING CONSULT**

Mr Israel Kgosiemang (One Planning Consult) attended.

**RESOLVED**            That, the Development Consent Authority vary the requirements of Clause 7.3  
**30/18**                    (Building Setbacks of Residential Buildings and Ancillary Structures) of the  
Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 1097 (1) Peregrine Street Town of Sanderson for the purpose of alterations and additions to an existing single dwelling with a reduced front setback, subject to the following conditions:

**CONDITIONS PRECEDENT**

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a landscape plan to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The landscaping plan must be generally in accordance with the landscape concept plan and must include a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity, and quantities of each plant. All species selected must be to the satisfaction of the consent authority.

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 or an alternate approved connection.

## **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. 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.
6. 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.
7. 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.
8. 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.

## **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. City of Darwin advises that designs and specifications for landscaping of the road verges adjacent to the property shall be submitted for approval by the General Manager Infrastructure, City of Darwin and all approved works shall be constructed at the applicant's expense, to the requirements of City of Darwin.

3. Any proposed works on/over City of Darwin property shall be subject to separate application to City of Darwin and shall be carried out to the requirements and satisfaction of City of Darwin.

### 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 development proposed is consistent with the purpose of Zone SD (Single Dwelling Residential) of the Northern Territory Planning Scheme. The proposed additions are considered to be compatible with the zone streetscape and surrounding development.

2. Pursuant to Clause 2.5 (Exercise of Discretion by the Consent Authority) of the Northern Territory Planning Scheme, the Authority may consent to a development that does not meet the standard set out in Part 4 and 5 of the Planning Scheme where it is satisfied that special circumstances justify the granting of consent.

The proposal presents a non-compliance with Clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures). It is noted that the proposal accords with other applications in which the Authority has issued a variation to front setback requirements for ancillary structures such as a shed/garage/studio.

A variation is supported in this instance as:

- The proposal is considered compatible with the streetscape and surrounding development and is a structure that would reasonably be expected in Zone SD (Single Dwelling Residential).
  - The proposal minimises any adverse effects of building massing when viewed from adjoining land and the street. Due to existing established landscaping, and prior to the commencement of works, a landscaping plan is required to ensure the property frontage complements the visual amenity of the streetscape and provides a visual barrier to the proposed additions.
  - The proposed additions is of a height and has a setback which will avoid undue overlooking of adjoining properties.
  - The proposal is sited to encourage breeze penetration through and between buildings.
  - The irregular boundaries on the corner lot restricts the additions siting.
  - The proposal was publicly exhibited and no submissions received.
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.

There is no change of use proposed and the proposed addition would be unlikely to have an adverse impact on the existing and future amenity of the area. The proposal is consistent with Zone SD (Single Dwelling Residential) and is ancillary to the residential use of the site. The level of encroachment upon the minimum front setback is not expected to negatively impact upon the neighbouring lots. Additionally,



a landscaping plan to the satisfaction of the Consent Authority is to be endorsed prior to the start of development to ensure adequate screening for the addition from the street.

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

**ITEM 4 WITHDRAWN**

**ITEM 5 WITHDRAWN**

**ITEM 6 SUBDIVISION TO CREATE 145 LOTS IN FOUR STAGES AND A BUILDING ENVELOPE PLAN**  
**PA2018/0012 SECTION 7349 MAKAGON ROAD, HUNDRED OF BAGOT**  
**APPLICANT JUNE D'ROZARIO AND ASSOCIATES PTY LTD**

DAS tabled amended plans from the applicant.

Ms June D'Rozario (June D'Rozario & Associates), Mr Regan Anderson (General Manager, Halikos Developments) and Mr Lachlan Mitchell (Development Project Coordinator, Halikos Developments) attended.

Ms D'Rozario tabled a request for minor changes to conditions recommended in the DAS Report.

Mr Garry Fisher (Director, Transport and Civil Services, DIPL), Mr Graeme Finch and Mr Steve Gilmour (Land Development Unit, DIPL) and Ms Karen White (Crown Land, DIPL) attended.

Submitter Mr Gerry Wood MLA attended.

Mr James Whyte and Mr Brian Sellars (City of Darwin) attended.

**RESOLVED** That, pursuant to section 53(b) of the *Planning Act*, the Development Consent  
**31/18** Authority alter the proposed development and consent to the proposed development as altered to develop Section 7349 Makagon Road, Hundred of Bagot for the purpose of Subdivision to create 144 lots in four stages, subject to the following conditions:

Note that for the purpose of this permit:

- a) any reference to the Land Development Unit, means that Division of the Department of Infrastructure, Planning and Logistics (DIPL), and any reference to the Transport and Civil Services, means that Division of the Department of Infrastructure, Planning and Logistics (DIPL).
- b) Transport and Civil Services Division (TCS) of DIPL is the relevant service authority for road reserves and associated road pavement, stormwater drainage, street lighting, vehicular access, pedestrian/cycle paths, verge landscaping and streetscape
- c) Land Development Unit (LDU) of DIPL is the relevant service authority for open space and stormwater drainage external to the road reserve and any infrastructure external to road reserve on surrounding networks.

**CONDITIONS PRECEDENT**

Page 9 of 18

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a site stormwater drainage schematic plan demonstrating the on-site collection of stormwater and its discharge into the local stormwater drainage system shall be submitted to and approved by the LDU and/or TCS and/or City of Darwin as the case may be, to the satisfaction of the consent authority. The plan shall show the relevant drain connections point/s and indicate how stormwater will be collected on site and discharged to the relevant authorities' drainage system.
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to provide written confirmation from the Power Networks division of the Power and Water Corporation that anticipated substation loads for stages 2A, 2B, 3A & 4A comply with the current approved High Voltage Master Plan for Northcrest subdivision, to the satisfaction of the consent authority.
3. Prior to the endorsement of plans and prior to commencement of works (including site preparation), written confirmation is required from the LDU and/or TCS and/or City of Darwin as the case may be that the following reports and approvals have been provided, to the satisfaction of the consent authority:
  - (a) Traffic Impact Assessment report;
  - (b) Accesses to the development site;
  - (c) Feasibility stage traffic safety audit; and
  - (d) Master plans to show revisions previously approved in development permits or otherwise agreed to:
    - i. Road hierarchy;
    - ii. Pedestrian and cycle routes; and
    - iii. Parks and public open space.

**Note:** City of Darwin approval relates to Traffic Impact Assessment report or any upgrade works on their infrastructure.
4. 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. The plans must be generally in accordance with the plans submitted with the application but modified to show any changes required as a result of compliance with Condition Precedent 3.
5. Prior to the endorsement of plans and prior to commencement of works (excluding site preparation), proposed zoning plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. The zoning plan must be consistent with the description given in Table-1 (page 6) of the statement of effect, to the satisfaction of the consent authority.
6. Prior to the commencement of construction works for the following components in each stage:
  - (a) roads;
  - (b) stormwater drainage;
  - (c) street lighting;
  - (d) vehicular accesses;
  - (e) pedestrian/cycle paths;
  - (f) landscaping;

- (g) establishment irrigation;
  - (h) park areas; and
  - (i) streetscaping;
- the Developer shall submit detailed design documentation (engineering design, design report and specifications) for all such proposed works and achieve Permission to Use from the TCS and/or LDU. All designs that relate to future TCS and/ or LDU infrastructure and open space are to comply with the 'Berrimah Farm Subdivision Guidelines', to the satisfaction of the TCS and/or LDU and must be prepared and certified by suitably qualified persons.
7. Prior to the commencement of works, an Environmental and Construction Management Plan (ECMP) (including any preparation works that impact on City of Darwin Infrastructure) is to be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority. The ECMP should specifically address the following:
    - i. Waste management;
    - ii. Traffic control;
    - iii. Haulage routes;
    - iv. Stormwater drainage;
    - v. Use of City of Darwin land; and
    - vi. How this land will be managed during the construction phase.
  8. Prior to the commencement of works, the applicant is to prepare a dilapidation report covering existing infrastructure condition within the road reserve to the requirements of the TCS and City of Darwin, to the satisfaction of the consent authority.
  9. Prior to the commencement of works, 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 Environment and Natural Resources (DENR). All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the requirements of the Consent Authority, on advice from DENR. The ESCP is to be developed by a Certified Professional in Erosion and Sediment Control Planning (CPESC) and in accordance with the IECA Best Practice Erosion and Sediment Control Guidelines 2008. The plan should detail methods and treatments for minimising erosion and sediment loss from the site during the construction phase. Information regarding ESCP content is available at: [www.austieca.com.au](http://www.austieca.com.au).

## **GENERAL CONDITIONS**

10. Works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
11. 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 Environment and Natural Resources.
12. Stormwater drainage shall be appropriately discharged into a local or trunk stormwater system to the standards and approval of the City of Darwin and/or the TCS and/or LDU as the case may be, to the satisfaction of the consent authority.

13. All works are to be constructed in accordance with the design documentation provided with 'Permission to Use' by the LDU and/or TCSD, excepting as varied with the approval of the LDU and/or TCSD.
14. 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.
15. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
16. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities, electricity services and telecommunication services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
17. All proposed work (including the provision of services) within, or impacting upon existing and proposed NT Government controlled road reserves, and non-residual property works shall be designed, supervised and certified on completion by a practicing and registered Civil Engineer, and shall be in accordance with the 'Berrimah Farm Subdivision Guidelines'. Design documents must be submitted to the Director Corridor Management, Transport and Civil Services Division for Road Agency Approval, irrespective of approvals granted by other Authorities e.g. Power & Water Corporation. No works within, or impacting upon road reserves controlled or to be controlled by the NT Government are to commence prior to gaining Road Agency Approval.
18. Should changes to, or an upgrade of an existing intersection onto Berrimah Road be required to accommodate traffic from Stage 2A, 2B, 3A and 4A of the Northcrest subdivision (including construction traffic), swept path diagrams for the maximum sized vehicle (including construction vehicles associated with stage 2A, 2B, 3A and 4A) utilising the intersection shall be provided with the detail design drawings submitted for Road Agency Approval to demonstrate the suitability of the intersection design geometry.
19. Any new or upgraded intersection and all new collector and local roads are subject to Road Safety Audits in accordance with the Transport and Civil Services Division Policy "Road Safety Audits".
20. The loads of all trucks entering and leaving the site of works are to be constrained in such a manner as to prevent the dropping or tracking of materials onto streets. This includes ensuring that all wheels, tracks and body surfaces are free of mud and other contaminants before entering onto the sealed road network. 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.
21. Upon completion of any works within or impacting upon existing or proposed road reserves, the road reserves shall be rehabilitated to the standards and requirements of the TCS and/or City of Darwin and returned to the condition as documented in the dilapidation report.

22. The installation or relocation of any services or service connections within the site on completed works requires, in addition to service authority approvals, the approval of the Land Development Unit.
23. Before the issue of Titles, the developer is to provide written confirmation (in the form of plans or drawings) demonstrating that all lots less than 600m<sup>2</sup> for single dwellings allow for future vehicle access via a single driveway unrestricted by street infrastructure (including any power, water, sewer, or stormwater infrastructure) which demonstrates that a 3.5m driveway can be located on each lot whilst ensuring that each lot's street frontage has a minimum continuous length of 6.5m, to the satisfaction of the consent authority.
24. The developer must implement necessary measures to mitigate mosquito breeding during the construction phase of the development, to the requirements of the Department of Health, to the satisfaction of the consent authority.
25. Dust control measures must be employed throughout the construction stage of the development to the requirements of the Northern Territory Environment Protection Authority, to the satisfaction of the consent authority.
26. A Weed Management Plan, is to be submitted to and approved by the Department of Environment and Natural Resources (DENR) to the satisfaction of the consent authority. The plan shall include:
  - (a) Induction processes and responsibilities of contractors to weed identification;
  - (b) Management of possible future weed spread and incursions;
  - (c) Vehicle and machinery hygiene procedures; and
  - (d) Stockpile and topsoil management and rehabilitation works

**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 one 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. If you choose nbn to service your development, you will need to enter into a development agreement with nbn. The first step is to register the development via <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html> once registered nbn will be in contact to discuss the specific requirements for the development. Nbn requires you to apply at least 3 months before any civil works commence. All telecommunications infrastructure should be built to nbn guidelines found at <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/builders-designers.html>
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. 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. 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.
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) 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 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 08 8995 5333 or [place.names@nt.gov.au](mailto:place.names@nt.gov.au)
7. The Department of Defence – Estate Division, has advised that “Organic waste and/ or storage of commercial waste bins associated with the proposed development should be managed appropriately.”
8. The technical design and construction standards of the Land Development Unit are as provided within the Berrimah Farm Subdivision Guidelines dated 31/3/2015 or where this document is silent, the appropriate standards of the City of Darwin and/ or City of Palmerston development guidelines may be applied.
9. Any proposed works on/over City of Darwin property shall be subject to separate application to City of Darwin and shall be carried out to the requirements and satisfaction of City of Darwin.
10. No temporary access for construction purposes shall be permitted from the Stuart Highway road reserve. Construction and delivery vehicles shall not be parked on the Stuart Highway road reserve.
11. The Northern Territory Environment and Protection Authority has advised that the proponent must comply with their General Environment Duty provided by section 12 of the *Waste Management and Pollution Control Act*.
12. The Northern Territory Environment and Protection Authority has advised that any works outside of the audited area, including but not limited to the installation of services, must receive a *Statement of Audit* prior to the works being undertaken.

## **REASONS FOR THE DECISION**

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

The proposal is generally consistent with the relevant Area Plan and planning principles outlined by Clause 14.1.4 (Berrimah Farm Planning Principles) of the Northern Territory Planning Scheme (Scheme). Specifically, the proposal provides for a safe and diverse urban residential environment with a variety of lot sizes, and has an interconnected local road network that, on completion of the relevant precedent condition requirements, will distribute the anticipated traffic flow within the site and integrate with the surrounding local road network through appropriate intersection design.

The application was exhibited as subdivision to create 145 lots in four stages. Amended plans were tabled at the meeting which included the deletion of two public open space lots (to be included in a later stage) and the addition of one residential lot (resulting from an amended road layout). The development is therefore approved in its amended form for the purpose of subdivision to create 144 lots in four stages.

2. Pursuant to section 51(e) of the *Planning Act*, the consent authority must take into account any submissions made under section 49, in relation to the development application.

Two public submissions were received objecting to the proposal. The submissions were largely concerned with the lot sizes proposed in the subdivision. Mr Wood MLA argued that the small lot sizes not only deviates the concept of tropical housing but also detract from the amenity of the surrounding residential character especially across the Stuart Highway. The Authority noted that the lot sizes are of a shape and large enough to accommodate a dwelling design that complies with the applicable performance criteria stipulated by the Scheme. Further, the Authority also consider that the proposed subdivision creates a diverse urban residential environment by providing a variety of lot sizes and housing types as required under Clause 14.1.4 (Berrimah Farm Planning Principles) of the Scheme.

Concerns were also expressed regarding road widths in the subdivision. The Authority notes that the Scheme and relevant Area Plan does not provide any guidance for road widths in residential subdivisions as it is typically to the requirements of the relevant service authority (Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics in this instance) and provided the development proceeds in accordance with the conditions included on the permit, the proposed subdivision will provide adequate road widths in accordance with the relevant requirements, and overall is sufficient to satisfy the purpose of the Area Plan.

3. 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 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. In addition, pursuant to section 51(m) of the *Planning Act*, the consent authority must take into account the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the

requirement, if any, for those facilities, infrastructure or land to be provided by the developer.

No land capability issues have been identified. The subdivision area is not affected by either storm surge or riverine flooding and the Department of Environment and Natural Resources has no objection to the proposal subject to an Erosion and Sediment Control Plan being developed by a suitably qualified and experienced professional. Precedent and general conditions on the development permit ensure that an appropriate level of service is maintained for the site and surrounding locality.

The applicant advised that the area proposed for the subdivision has received a Statement of Audit, which confirms that the area is considered suitable for mixed residential and commercial use and open space, and that no additional work is required to assess its suitability. Provided the development proceeds in accordance with the conditions included on the permit, the land is considered capable of supporting the proposed subdivision.

4. 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.

The site is within Zone FD (Future Development) and subject to Clause 14.1.4 (Berrimah Farm Planning Principles) of the Scheme. The proposal generally accords with the layout depicted within the Area Plan and is considered unlikely to adversely impact on the area or alter community expectations for the site. The relevant Area Plan, zoning provisions and the application all seek to promote the best amenity outcomes for the future residents of the estate. Provided pedestrian and cycle corridors are established in appropriate locations and in a timely manner, and provided that site levels and associated stormwater drainage is appropriately managed, the proposed subdivision can achieve appropriate levels of residential amenity.

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

**RESOLVED  
32/18**

That, the Development Consent Authority vary the requirements of Clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Section 7349 Makagon Road, Hundred of Bagot for the purpose of a building envelope plan, subject to the following conditions:

**CONDITIONS PRECEDENT**

1. Prior to the endorsement of plans and prior to the commencement of works, 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 either two copies must be provided or they must be submitted electronically. The plans must be generally in accordance with the plans submitted with the application but modified as follows:

Page 16 of 18



- (a) changes to drawing no. 18/9492/22F-4 dated 24.01.18 (site plans) to ensure that:
  - i. the requirements of Clause 7.3.3(4) of the Northern Territory Planning Scheme are adequately reflected for all 'Typical Lot' types proposed within this subdivision;
  - ii. the requirements of Clause 7.5 of the Northern Territory Planning Scheme are adequately reflected for all 'Corner Lot' types (or if a higher standard is required, removal of reference to NT Planning Scheme requirements) proposed within this subdivision;
  - iii. a minimum side setback requirement of 1.5m is adequately reflected for all lots (an appropriate notation can be included to refer to eave encroachments and the possible utilisation of a reduced side setback of 1m as per Clause 7.3 if considered necessary);
  - iv. removal of any reference to a 0.9m side setback; and
  - v. removal of any lot types that are not proposed within this subdivision;
- (b) changes to all setback plans to reflect the required 1.5m minimum side setback (currently shown as a 0.9m side setback); and
- (c) any other revisions that may be necessary as a result of changes to the subdivision plans.

The building envelope plans will not be endorsed until such time as the subdivision plans have been endorsed to the satisfaction of the consent authority.

## **GENERAL CONDITIONS**

- 2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
- 3. The owner/developer must provide a copy of the endorsed building setback plan to land purchasers prior to or at the time they purchase the land.

## **REASON FOR THE DECISION**

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

A variation to Clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) of the Northern Territory Planning Scheme (Scheme) to allow corner lots intended for multiple dwelling developments to utilise a 4.5m setback rather than a 6m setback is granted, as the subject land is a large parcel of undeveloped land not encumbered by adjoining residential development and in effect the proposed setbacks will establish a streetscape that will create the character and level of amenity. It is considered that notwithstanding the variation, the purpose of Clause 7.3 will be satisfied and the building envelope plan is therefore supported for these reasons.

Amended plans are required to ensure that the proposed building envelopes meet the requirements of Part 4 of the Scheme and provide certainty to purchasers in relation to building requirements.

2. The proposed building envelope plan will correspond with the Stage 2A, 2B, 3A and 4A subdivision which is consistent with the ultimate intended future use of the land as prescribed by the Northern Territory Planning Scheme.

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

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

**SUZANNE PHILIP**  
**Chair**

19 March 2018