



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 135 – FRIDAY 23 OCTOBER 2009

**BATHURST CONFERENCE ROOM
MANTRA ON THE ESPLANADE
88 THE ESPLANADE
DARWIN**

MEMBERS PRESENT: David Hibbert (Presiding Member), Grant Tambling, Heather Sjoberg and Bob Elix

APOLOGIES: Peter McQueen

OFFICERS PRESENT: Bree Potter (A/Secretary), Douglas Lesh, Julia Wanane, Sarah Gooding and Peter Sdraulig (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 9:00am and closed at 11.30am

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The Minutes of the 134th DCA meeting held on Friday 9 October 2009 were ratified as an accurate representation of the proceedings on 16 October 2009.

Pursuant to section 101(3)(c) of the *Planning Act*, in the absence of Mr Peter McQueen, Chairman of the Development Consent Authority, the members of the Darwin Division of the Development Consent Authority appoint Mr David Hibbert as the presiding member at the meeting of the Darwin Division of the DCA held on Friday 23 October 2009.

BUSINESS ARISING FROM MINUTES

Nil

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 2 NO ITEMS

ITEM 3 NO ITEMS

ITEM 4 NO ITEMS

ITEM 5 LEISURE AND RECREATION (INCLUDING AREA FOR OUTDOOR
PA2009/1289 ENTERTAINMENT, LANDSCAPING AND CAR PARKING)
LOT 7651 GILRUTH AVENUE, TOWN OF DARWIN

APPLICANT JUNE D'ROZARIO & ASSOCIATES PTY LTD

June D'Rozario, Tony Cox (Clouston Architects) and Richard Angove (Skycity) attended the meeting.

Ms D'Rozario tabled additional comments in response to submissions received.

Ms D'Rozario, Mr Cox and Mr Angove spoke to the application.

Darwin City Council tabled a response to SkyCity Darwin's correspondence dated 7 and 31 August 2009.

Submitter Patsy Hickey attended the meeting (spoke).

**RESOLVED
269/09**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Authority defers consideration of the application to develop Lot 7651 Gilruth Avenue, Town of Darwin for the purpose of leisure and recreation (including area for outdoor entertainment, landscaping and carparking), to allow the applicant to submit the following information that the Authority considers necessary to consider the application:

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1. Confirmation of legal rights of vehicle access to the site for the duration of the development and use.
2. Measures to ensure legal rights of public access in perpetuity along the creek between Gilruth Avenue and the foreshore.
3. Measures to ensure the retention/ conservation of the escarpment and creek.
4. Details of noise attenuation measures to be employed during events to minimise any adverse impacts on the adjacent and nearby surrounding area.

REASONS FOR THE DECISION

1. Additional information demonstrating legal rights of vehicle access to the site is considered necessary to ensure that vehicle access is able to be provided to the land.
2. The consent authority must, pursuant to section 51(p) of the *Planning Act*, take into account the public interest, and it is considered necessary to require the applicant to demonstrate that the public access through the site will be provided and maintained.
3. The escarpment and creek areas are considered to be of high natural amenity value and it is considered necessary to require information demonstrating that these areas will be retained and maintained as such.
4. The consent authority must, pursuant to section 51(n) of the *Planning Act*, take into account the potential impact on the existing and future amenity of the area in which the land is situated, and it is considered necessary for the applicant to demonstrate that events will be appropriately managed in respect to noise.

ACTION: Advice to Applicant

ITEM 6 **SUBDIVISION TO CREATE 8 LOTS INCLUDING 2 FOR MULTIPLE DWELLINGS**
PA2009/1285 **LOT 9327 (125) DICK WARD DRIVE, TOWN OF NIGHTCLIFF**

APPLICANT **MAKRYLOS GROUP**

Michael and Gina Makrylos attended the meeting and spoke to the application. Mr Makrylos tabled a drawing showing the extent of the fill on the land.

RESOLVED That, the Development Consent Authority vary the requirements of clause 11.2.2
270/09 (Infrastructure and Community Facilities in Residential Subdivision) of the NT
Planning Scheme and pursuant to section 53(b) of the *Planning Act*, alter the
application and consent to the application as altered to develop Lot 9327 (125) Dick
Ward Drive, Town of Nightcliff for the purpose of subdivision to create 8 lots
(including 2 for multiple dwellings), subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of works (including site preparation), all existing buildings are to be removed, or a statement from a registered building certifier is to be provided to the Department of Planning and Infrastructure verifying that the remaining building(s) will continue to comply with the Building Act following the proposed subdivision to the satisfaction of the consent authority
2. Prior to the commencement of works (including site preparation) a full set of 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 three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) deletion of building envelopes and dwelling layouts for proposed lots 1 & 2 while still being nominated for 2 dwellings each; and
 - (b) overall site property boundary fencing nominated to a height of 1.8m as measured from the minimum finished floor level height of dwellings as required by part 6(a) (iii) of schedule SD24 (Special Use Darwin 24) to clause 2.4 (Specific Use Zones) of the NT Planning Scheme

GENERAL CONDITIONS

3. Works carried out under this permit shall be in accordance with the plans endorsed as forming part of this permit.
4. 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.
5. The permit holder must enter into agreements with the relevant authorities for the provision of drainage, water supply, sewerage facilities, and electricity services in accordance with the authorities requirements and relevant legislation at the time
6. Any development 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.
7. Engineering design and specifications of the proposed and affected roads, including street lighting, stormwater drainage, vehicle access, pedestrian/cycle corridors, and streetscaping are to be to the technical requirements of the Darwin City Council to the satisfaction of the consent authority, and all approved works constructed at the permit holder's expense.

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8. Stormwater is to be collected and discharged in the drainage network to the technical standards of and at no cost to the Darwin City Council, to the satisfaction of the consent authority.
9. The proposed road to be created on the plan of subdivision must be submitted for approval by the Surveyor General and must be dedicated to Darwin City Council.
10. The developer shall contact Telstra on <http://www.telstrasmartcommunity.com/> prior to any work commencing to facilitate the installation of the Telstra Network.
11. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

NOTE

Power and Water Corporation advise that, at the developer's expense:

- a gravity sewer main servicing the allotments shall be provided within the road reserve to eliminate easements;
- a gas trap maintenance hole will be needed for connection of the new sewer main into a trunk sewer maintenance hole;
- a DN 150 looped water main will be required to service the lots; and
- a BS750 fire hydrant will be required to establish lot coverage for fire purposes.

REASONS FOR THE DECISION

1. The proposed subdivision is consistent with the purpose of schedule SD24 (Specific Use Darwin 24) which is to facilitate the subdivision, development and use of the land as a residential estate with one storey, single dwellings and multiple dwellings.
2. A variation to clause 11.2.2 (Infrastructure and Community Facilities in Residential Subdivision) for the non provision of public open space is considered satisfactory in this instance as:
 - the subdivision is a relatively small subdivision which creates only 8 lots and maximum of 10 dwellings;
 - 10% of site area represents a relatively small public open space area of only 706 m², and unless provided at the Dick Ward Drive frontage would be largely isolated from the surrounding area; and
 - the site is located with 120m from a large public open space reserve to the east, and 250m from a large organised recreation area to the east.

ACTION: Notice of Consent and Development Permit

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SIGNED AS AN ACCURATE REPRESENTATION OF THE PROCEEDINGS



DAVID HIBBERT
Presiding Member

28/10/09