



## **DEVELOPMENT CONSENT AUTHORITY**

### **DARWIN DIVISION**

### **MINUTES**

**MEETING No. 306 – FRIDAY 17 NOVEMBER 2017**

**EXPERIENCE CENTRE  
LEVEL 5, CDU  
21 KITCHENER DRIVE  
DARWIN WATERFRONT**

**MEMBERS PRESENT:** Suzanne Philip (Chair), Bob Elix, Garry Lambert, Doug Phillips and John Gleeson

**APOLOGIES:** Nil

**OFFICERS PRESENT:** Margaret Macintyre (Secretary), Dawn Parkes, Amit Magotra, Sarah Silva and May Patterson (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** James Whyte and David Burrow

**Meeting opened at 9.30 am and closed at 11.30 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 OFFICES IN A TWO STOREY BUILDING**  
**PA2017/0486 SECTION 4681 (388) STUART HIGHWAY, HUNDRED OF BAGOT**  
**APPLICANT ONE PLANNING CONSULT**

Mr Israel Kgoisemang (One Planning Consult), Mr Savvas Savvas (Architect) and Mr Peter Pizanos (Developer) attended.

**RESOLVED**  
**203/17**

That pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Section 4681 (388) Stuart Hwy, Hundred of Bagot for the purpose of offices in a two-storey building, to require the applicant to provide the following additional information that the Authority considers necessary to enable the proper consideration of the application:

- Submission of a Traffic Management Plan to show:
  - details of the existing right of way easement in its entirety;
  - proposed driveway treatments and line markings across the right of way easement to ensure it is not obstructed at any time;
  - strategies to avoid vehicle movement conflicts between vehicles entering Section 4680 to access the office building at Section 4681 and customers entering/exiting the existing service station situated on Section 4680; and
  - existing car parking agreements in place, if any, between the owners of Section 4680 and Section 2984.
- Details of any correspondence/consultation that has taken place with the owner of Section 4680 regarding the proposed development and its impact on the existing traffic circulation on Section 4680.

**REASONS FOR THE DECISION**

1. 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.

The Authority considered that the application did not adequately address how the development would be accessed and what impact, if any, it would have on the current traffic circulation on adjacent Section 4680. Although there is an existing right of way easement over Section 4680 in favour of Section 4681, this is not currently in use and it appears that driveway treatments and/or line markings would be required to enable the right of way easement to function appropriately. The Authority requires further details on how the right of way easement will function in practice and what measures will be put into place to avoid it from being obstructed by existing traffic circulation.

**ACTION:** Letter of Deferral

**ITEM 2  
PA2017/0487**

**3 X 3 BEDROOM MULTIPLE DWELLINGS IN THREE SINGLE STOREY  
BUILDINGS**

**APPLICANT**

**LOT 1211 (13) LAMBELL TERRACE, TOWN OF DARWIN  
RAW DESIGNS**

DAS tabled an amended site plan submitted by the applicant.

Mr Robert Watt (Raw Designs) and Mr Israel Kgoisemang (One Planning Consult) attended.

The applicant tabled a landscaping plan.

Submitters:- Mr David Bridgman and Ms Francoise Barr, and City of Darwin (represented by Mr David Burrow and Mr James Whyte) attended.

**RESOLVED  
204/17**

That, the Development Consent Authority vary the requirements of Clause 7.3.1 (Additional Setback Requirements for Residential Buildings longer Than 18 metres and for Residential Buildings Over 4 Storeys in Height) and Clause 7.3.2 (Distance between Residential Buildings on One Site) of the Northern Territory Planning Scheme, and pursuant to section 53(b) of the *Planning Act*, alter the proposed development and consent to the proposed development as altered to develop Lot 1211 (13) Lambell Terrace, Town of Darwin for the purpose of 3 x 3 bedroom multiple dwellings in three single storey buildings, subject to the following conditions:

**CONDITIONS PRECEDENT**

1. Prior to the endorsement of plans and prior to the 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, and must be generally in accordance with the plans submitted with the application but modified to show:
  - a. deletion of the roof structure (titled 'boat') that encroaches on the south-west side boundary.
2. 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 that submitted with the application and must include:
  - (a) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant; and
  - (b) landscaping and planting between the lot boundaries .
3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation) the developer is to provide written advise from the Water Services division of the Power and Water Corporation confirming that the existing easement on the site has been extinguished to the requirements of PWC, to the satisfaction of the consent authority.

4. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a traffic engineers' assessment report detailing adequate sightlines for pedestrians, cyclists and vehicles in regard to the proposed crossovers shall be submitted to and approved by City of Darwin to the satisfaction of the consent authority.
5. Prior to the commencement of works (including site preparation), a schematic plan demonstrating the on-site collection of stormwater and its discharge into the 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 stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to system.
6. 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 the City of Darwin, to the satisfaction of the consent authority.
7. 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 demolition 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.

#### **GENERAL CONDITIONS**

8. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
9. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage, electricity facilities and telecommunication services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
10. 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.
11. 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.
12. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the City of Darwin, to the satisfaction of the consent authority.
13. The owner shall:
  - a) remove disused vehicle and/ or pedestrian crossovers;
  - b) provide footpaths/ cycleways;
  - c) collect stormwater and discharge it to the drainage network; and
  - d) undertake reinstatement works;

all to the technical requirements of and at no cost to the City of Darwin, to the satisfaction of the consent authority.

14. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.
15. Prior to the use/occupation of the development and connection of services (i.e. power and water), the owner of the land must apply for unit/street addressing from the Surveyor-General of the Northern Territory. This will form the legal address and will be required to be placed on the doors and meters within the development in accordance with the allocation. A Certificate of Compliance will not be able to be granted until such time as addressing is obtained.
16. 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.
17. 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.
18. 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.
19. All air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
20. 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.
21. 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. 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. 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.

3. 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.
4. Notwithstanding the approved plans, any proposed works (including landscaping) within the road reserve is subject to approval and shall meet all requirements of the City of Darwin, and at no cost to the City of Darwin.
5. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development is available from Department of Land Resource Management.
6. The Surveyor-General advises you should immediately make application for unit/street addresses to the Survey and Land Records unit on (08) 8995 5362 ([surveylandrecords@nt.gov.au](mailto:surveylandrecords@nt.gov.au)).
7. The Heritage Division of the Department of Tourism and Culture has advised that Lot 2418 (12) Schulze Street, Town of Darwin is declared as a Heritage Place under the *Heritage Act*. Any construction along the shared boundary between Lot 1211 and Lot 2418 has the potential to encroach on the declared heritage area and the proponent should take measures to avoid any impact on the shared fenceline.
8. You are advised to contact NBN Co prior to commencing construction to determine if you development is in an NBN-eligible area. This will help identify the relevant telecommunication network servicing requirements for the development. To register please complete the pre-qualification forms located at [www.nbnco.com.au/newdevelopments](http://www.nbnco.com.au/newdevelopments). For more information, please contact the NBN Co New Developments Team on 1800 687 626 or email [newdevelopments@nbnco.com.au](mailto:newdevelopments@nbnco.com.au).

## 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 Northern Territory Planning Scheme (NTPS) applies to the land and the site is within Zone MD (Multiple Dwelling Residential). The purpose of Zone MD is to provide for a range of housing options to a maximum height of two storeys above ground level. The proposed development of 3 x 3 bedroom multiple dwellings in three single storey buildings is considered to be consistent with the purpose of the zone.

A variation to Clause 7.3.1 (Additional Setback Requirements for Residential Buildings longer Than 18 metres and for Residential Buildings Over 4 Storeys in Height) is considered suitable as:

- The 1.8m high colorbond fence along the affected side boundaries will screen the adverse effects of building massing and visual bulk when viewed from adjoining land.
- The façade of the building along north-east side boundary offers variation through the use of cladding and varying windows heights to minimise the effect of building massing.
- The non-compliance along the south-west side boundary is limited to a small portion of the building with the remaining setback gradually increasing from 3.0 to the affected boundary. In addition the dense landscaping on the adjoining lot along the affected boundary will further screen the building massing effect.

A variation to Clause 7.3.2 (Distance between Residential Buildings on One Site) is considered suitable as adequate screening is provided through solid colorbond fencing between the buildings with no windows to encroaching walls to units 2 and 3. In addition the non-compliance is limited to a small portion and most parts of the buildings exceed the required 3m separation distance between buildings (4.1m to 6.5m proposed).

A variation to Clause 7.3 (Building Setbacks for Residential Buildings and Ancillary Structures) to allow for a roof structure to encroach on the south western boundary was not supported and a condition requiring amended plans to remove this structure is included on the development permit. The proposed roof structure with a reduced side setback was considered to detract from the streetscape and surrounding development and therefore not meet the purpose of Clause 7.3, which in part is to ensure residential buildings are located so they are compatible with the streetscape and surrounding development including residential buildings on the same site.

2. Pursuant to Section 51(e) of the *Planning Act*, the consent authority must take into consideration any public submissions made under section 49, and any evidence or information received under section 50, in relation to the development application.

A total of three public submissions were received with respect to the proposal. The submissions were largely concerned with non-compliance with the NTPS, poor site responsive design, lack of breeze circulation between the buildings and non-compliance with the Northern Territory Government's Community Safety Guidelines, listed in Schedule 3 of the NTPS. To address the issue of landscaping a condition precedent has been included on the permit for an amended landscape plan. Regarding the issue of site responsive design and lack of breeze circulation between the buildings the assessment of the development concludes that the dwellings are oriented in NW-SE direction. This will allow breeze penetration to the dwellings through living areas during wet season and through rear bedroom windows during dry season. The siting of the dwellings with three sided open setbacks provides more ventilation as compared to a single building footprint having three dwellings which requires mechanical ventilation.

Through the addition of multiple habitable rooms at the front of the site the public surveillance is also increased.

3. 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, and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development. Also, 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 for that purpose.

The land is generally flat, with minimal physical constraints which could prohibit the development. The proposed development is affected by the existing sewer easement running along the north-east boundary and a condition to provide written advice from PWC regarding the extinguishment of the existing easement is included on the permit. The City of Darwin as the authority responsible for the care and control of the surrounding road network requires a new driveway be constructed keeping in view the sightlines for the pedestrians, cyclists and vehicles. Conditions on the development permit require submission of a traffic engineers' assessment report, a stormwater management plan, a construction management plan, and a dilapidation report as requested by the City of Darwin. Other conditions are recommended for inclusion based on the comments received from service authorities during exhibition of the application. The site is considered capable of accommodating the development through these conditions.

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 proposed development is consistent with the primary purpose of Zone MD (Multiple Dwelling Residential) which is to provide for a range of housing options to a maximum height of two storeys above ground level. The development is consistent with the required dwelling density, height and building setbacks from the adjoining streets and properties. Although a variation is sought to the additional setback requirements and distance between the buildings on one site, an appropriate building design has been achieved to meet the clause purpose. A condition requiring the applicant to provide an amended landscaping plan indicating the species, placement of species and demonstrating how the landscaping will complement the character of the area is included on the development permit. The proposed roof structure along the south-west boundary was considered to detract from the streetscape and surrounding development and therefore a condition requiring amended plans to remove this structure is included on the development permit. No other undue amenity impacts are anticipated as a result of the development.

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

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**ITEM 3  
PA2017/0465  
APPLICANT**

**NETBALL STADIUM AND SUPPORT FACILITIES  
SECTION 5936 (235) ABALA ROAD, HUNDRED OF BAGOT  
JUNE D'ROZARIO & ASSOCIATES PTY LTD**

DAS tabled comments from Transport and Civil Services Division (DIPL) dated 15.11.17.

Ms June D'Rozario (June D'Rozario & Associates), Mr Jim Eadie (Sunbuild - Builders), Mr Savvas Savvas (Architect) and Mr Bill Kmon (HK Solutions) attended.

Submitter: Rapid Creek Landcare Group (represented by the Secretary/Public Officer Mr Peter O'Hagan) attended.

**RESOLVED  
205/17**

That, the Development Consent Authority grant a variation to the requirements of Clause 6.1 (General Height Control) and Clause 6.5.3 (Parking Layout) and determine to reduce the car parking requirements 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 Section 5936 (235) Abala Road, Hundred of Bagot for the purpose of a Netball Stadium and Support Facilities, subject to the following conditions:

**CONDITIONS PRECEDENT**

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application but modified to show:
  - (a) the correct lot details;
  - (b) clear delineation of the boundaries of Section 5936, Hundred of Bagot;
  - (c) all existing and/or proposed access points from a public road;
  - (d) the dimensions of all car parking spaces to be a minimum of 2.5m x 5.5m;
  - (e) deletion of the small car bay in the basement;
  - (f) deletion of the 'player drop off areas' in the basement; and
  - (g) any changes required as a result of modifications to the entrance ramp to the basement, as detailed in the Traffic Impact Assessment prepared by i3 consultants dated 22/09/2017.
  
2. Prior to the endorsement of plans and prior to commencement of works, 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 plan must be drawn to scale with dimensions and must be generally in accordance with the landscape concept plan dated 27/10/2017 prepared by Clouston Associates except that the plan must show:
  - (a) landscaping and planting within the ground level car parking area including that the area between the car parking area and the road is landscaped with species designed to lessen the visual impact of the car parking area. All species selected must be to the satisfaction of the consent authority.
  
3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), an amended traffic impact assessment report is

to be submitted to the requirements of the City of Darwin, to the satisfaction of the consent authority. The report should identify whether the existing access and egress incorporates satisfactory sight lines.

4. Prior to the commencement of works (including site preparation), a Construction Traffic Management Plan (detailing all appropriate site management measures, including construction site access, proposed haulage routes, vehicle types, protection of existing assets, protection of public access and a risk assessment) is to be submitted to and approved by the Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority. The CTMP shall specifically address avoiding the use of McMillans Road during the peak traffic times identified in the Traffic Impact Assessment by i3 Consultants, dated 22/09/17, i.e. midweek 7-8 AM and 5-6 PM and Saturdays 11 AM – 1 PM.
5. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a 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 Land Development Unit of the Department of Infrastructure, Planning and Logistics and the City of Darwin. The schematic plan must be prepared by a suitably qualified Engineer and must include: details of all stormwater drainage connection points; details of how stormwater will be collected on the site and discharged to the existing and future drainage infrastructure; identify catchment areas for new drainage infrastructure; identify any development impacts on design catchment boundaries or runoff characteristics for existing and future infrastructure; and provide existing site contours and earthworks plan. The plan is to identify any capacity constraints of existing and future drainage infrastructure and measures proposed to address these constraints.
6. Prior to the commencement of works (including site preparation), detailed design documentation for the stormwater drainage infrastructure and connections to the existing and future infrastructure shall be submitted to and approved by the Land Development Unit of the Department of Infrastructure, Planning and Logistics. The documentation shall include: a drainage masterplan, calculations for major and minor storm events, major storm event flow path and all documentation as required for compliance with City of Darwin's development guidelines.
7. 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 the City of Darwin.
8. 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.

9. Prior to the commencement of works, detailed 'For Construction' design documentation (engineering design, design report and specifications) for all proposed works to stormwater drainage is to be submitted to and achieve 'Permission to Use' from the Land Development Unit of the Department of Infrastructure, Planning and Logistics. All designs that relate to the Department's infrastructure are to the satisfaction of the Land Development Unit of the Department of Infrastructure, Planning and Logistics, meet Austroads' Standards and must be prepared and certified by suitably qualified persons.
10. Prior to the commencement of works, a waste management plan addressing the City of Darwin's Waste Management Policy 054 must be prepared, to the requirements of the City of Darwin, to the satisfaction of the consent authority.
11. 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). The ESCP must be developed by a Certified Professional in Erosion and Sediment Control (CPESC) and in accordance with the Key Principals of erosion and sediment control as specified in the IECA Best Practice Erosion and Sediment Control Guidelines 2008. The ESCP should detail methods and treatments for minimising erosion and sediment loss from the site during the construction phase and that all disturbed soil surfaces must be satisfactorily stabilised against erosion at completion of works. Information regarding erosion and sediment control and ESCP content is available at [www.austieca.com.au](http://www.austieca.com.au) and the NTP website: <https://nt.gov.au/environment/soil-land-vegetation>. The ESCP should be emailed for assessment to: [DevelopmentAssessment.DENR@nt.gov.au](mailto:DevelopmentAssessment.DENR@nt.gov.au)

## **GENERAL CONDITIONS**

12. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
13. 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.
14. All works relating to this permit are to be undertaken in accordance with the approved Erosion and Sediment Control Plan (ESCP) to the requirements of the Consent Authority on the advice of the Department of Environment and Natural Resources (DENR).
15. Dust control measures must be employed throughout the construction stage of the development to the requirements of the NT EPA, to the satisfaction of the consent authority.
16. 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.
17. Any works impacting on the adjacent future NTG drainage easement and its construction and maintenance accesses will not be permitted without

prior consent from the Land Development Unit of the Department of Infrastructure, Planning and Logistics.

18. The owner of land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage, and electricity services to the development shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.
19. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the Land Development Unit of the Department of Infrastructure, Planning and Logistics and the City of Darwin, to the satisfaction of the consent authority.
20. No sediment from the development site is to enter the Department of Infrastructure, Planning and Logistics' existing and future stormwater drainage infrastructure.
21. The Developer shall undertake all reinstatement works to the technical requirements of and at no cost to the Land Development Unit of the Department of Infrastructure, Planning and Logistics. Upon completion of works within or impacting upon, the NTG controlled land, any damaged or affected infrastructure shall be rehabilitated to the standards and requirements of the Land Development Unit of the Department of Infrastructure, Planning and Logistics.
22. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the City of Darwin, to the satisfaction of the consent authority.
23. The owner shall:
  - (a) remove disused vehicle and/ or pedestrian crossovers;
  - (b) provide footpaths/ cycleways; and
  - (d) undertake reinstatement works;all to the technical requirements of and at no cost to the City of Darwin, to the satisfaction of the consent authority.
24. Before the use or occupation of the development 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 drivewaysto the satisfaction of the consent authority.  
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
25. 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.

26. 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.
27. 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.
28. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.
29. Where unfenced, the Henry Wrigley Drive frontage is to be appropriately fenced in accordance with the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics' standards and requirements to the satisfaction to the consent authority.
30. Any proposed work (including the provision or connection of services) within, or impacting upon the Henry Wrigley Drive road reserve shall be in accordance with the standards and specifications of the Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics. Design documents must be submitted to the Director Corridor Management, Transport and Civil Services Division for Road Agency Approval and no works are to commence prior to approval.
31. Prior to the use/occupation of the development and connection of services (i.e. power and water), the owner of the land must apply for unit/street addressing from the Surveyor-General of the Northern Territory. This will form the legal address and will be required to be placed on the doors and meters within the development in accordance with the allocation. An Occupancy Permit will not be able to be granted until such time as addressing is obtained.

**NOTES:**

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.
2. The Environment Division of the Department of Environment and Natural Resources recommend that until testing has occurred to determine if PFAS contamination is present, no soil is allowed to be removed from the site and any extra fill generated from the project should be incorporated into landscaping designs. If the contractor deems it necessary to remove soil from site they should complete testing of the soil prior to removal and disposal, in consultation with the NT EPA.
3. The Land Development Unit of the Department of Infrastructure, Planning and Logistics recommend that the developer prepares a dilapidation report for the stormwater drains prior to the commencement of development construction.

4. The Surveyor-General advises you should immediately make application for unit/street addresses to the Survey and Land Records unit on (08) 8995 5355 (surveylandrecords@nt.gov.au).
5. 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.
6. 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.
7. The applicant is advised that the provision of lighting at the site is required to be consistent with the CASA Manual of Standards (MOS-139) Aerodromes to minimise the potential for conflict with aircraft operations. The design of lighting is a developer responsibility and if it is later found that lights or glare endangers the safety of aircraft operations, the Department of Defence or the Civil Aviation Safety Authority may require the lighting to be extinguished or suitably modified.
8. 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.
9. Any proposed signage for the site shall be subject to a separate assessment in accordance with City of Darwin Policy Number 42 – Outdoor Advertising Signs Code.
10. A "Permit to Work Within a Road Reserve" may be required from the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics before commencement of any works within the Henry Wrigley Drive road reserve.
11. Upon completion of any works within or impacting upon the Henry Wrigley Drive road reserve, the road reserve shall be rehabilitated to the standards and requirements of the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics.
12. 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 aerially) within the subject lot.
13. Any floodlighting or security lighting provided on site is to be shielded in a manner to prevent the lighting being noticeable or causing nuisance to Henry Wrigley Drive traffic.

14. There are statutory obligations under the *Weeds Management Act* to take all practical measures to manage weeds on the property. For advice on weed management please contact the Department of Environment and Natural Resources.
15. The permit holder is advised that the proposal may have assessment implications under the *Waste Management and Pollution Control Act*. More information can be found on the Northern Territory Environment Protection Authority website at: <https://ntepa.nt.gov.au/waste-pollution>. The applicant is encouraged to contact the NT EPA on (08) 8924 4218 or [ntepa@nt.gov.au](mailto:ntepa@nt.gov.au).
16. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites in the Northern Territory. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
17. 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.

#### **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 purpose of Zone OR (Organised Recreation) is to provide areas for organised recreational activities and development of land is to be limited to that which is consistent with the recreational opportunities of the land. The proposal to construct a new indoor netball stadium and support facilities is consistent with the purpose of the zone.

2. A variation to the requirements of Clause 6.1 (General Height Control) to allow a 5.75m increase to the maximum height limit of 8.5m is supported in this instance as the height is consistent with the existing use of the surrounding site and is unlikely to negatively impact either the subject site or the surrounding area. The proposal meets the purpose of the clause as the height of the building is consistent with the development provided for in that zone and is consistent with the recreational opportunities of the land.
3. A reduction in parking requirements pursuant to Clause 6.5.2 (Reduction in Parking Requirements) to approve the proposed development with fewer car parking spaces than required by Clause 6.5.1 (Parking Requirements) is supported. A total of 295 car parking spaces are provided, resulting in a reduction of 295.

The consent authority may approve a use or development with fewer car parking spaces than required by clause 6.5.1 if it is satisfied that a reduction is appropriate for the use or development, having considered all the following matters:

- (a) The zoning of the land, the use or development or proposed use or development of the land and the possible future use or development of the land;
- (b) The provision of car parking spaces in the vicinity of the land; and
- (c) The availability of public transport in the vicinity of the land; or
- (d) The use or development relates to a heritage place and the Minister responsible for the administration of the Heritage Conservation Act supports the reduced provision of car parking spaces in the interest or preserving the significance of the heritage place.

Although the proposed stadium has a maximum seating capacity of 2042 seats which generates a parking requirement alone for 510.5 spaces, there will be very few occasions during each year when this capacity is reached. The majority of events to be held at the new venue are likely to attract crowds of 300-500 spectators and therefore would generate a more realistic parking requirement for 125 spaces. Together with the parking requirement generated by the remaining uses of the building and site, a total of 205 spaces would be required where 295 spaces are proposed, and is considered to be appropriate for the proposed use.

It is reasonable to accept that the majority of large sporting venues around the country, and even the world, cannot meet parking requirements for their peak events and rely on public transport and agreements with surrounding sites for shared use of parking facilities.

The Marrara Sporting Complex includes a number of venues and associated parking areas which are cross utilised and provide an opportunity to accommodate overflow parking demand during peak events. Traffic management is also put in place during major sporting events to assist with directing traffic efficiently around the complex and to ensure all available parking venues are utilised. In addition, the NT Government often provide dedicated bus services and/or free travel on existing services for ticket holders of major sporting events held at the Marrara Sporting Complex.

For the reasons outlined above the Authority is satisfied that a reduction is appropriate for the proposed use.

4. A variation to Clause 6.5.3 (Parking Layout) is supported in relation to the ground level driveway reducing to 4.2m adjacent to the existing drop off area, as this is an existing arrangement that has functioned for a number of years without issue and the area of non-compliance will be reduced in length as part of this proposal.
5. Amended plans are required to address a number of non-compliances which are not supported and/or to ensure compliance with the relevant provisions of the Scheme.



6. Pursuant to Section 51(e) of the *Planning Act*, the consent authority must take into consideration any public submissions made under section 49, and any evidence or information received under section 50, in relation to the development application.

One public submission was received from the Rapid Creek Landcare Group Inc. who were not in support of the proposal and opposed the removal of native vegetation in the Rapid Creek catchment. The matters raised within the submission have been considered and discussed in the report and while there are no requirements under the NT Planning Scheme for the clearing of native vegetation in zone OR (Organised Recreation), the importance of the Rapid Creek catchment is acknowledged and a number of conditions have been applied to the development permit to ensure that the development does not have any adverse impact on the surrounding land. The developer will be required to submit detailed design drawings and liaise with the Land Development Unit of the Department of Infrastructure, Planning and Logistics and the City of Darwin regarding the stormwater drainage infrastructure. In addition an Erosion and Sediment Control Plan will need to be prepared by a certified professional in erosion and sediment control and submitted to the Department of Environment and Natural Resources for assessment.

7. 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, 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 considered capable of supporting the proposed development but the construction of the development and ongoing servicing will need to ensure that it has no adverse effects on the surrounding land, namely the Rapid Creek and its surrounding catchment. A number of conditions are included on the development permit to ensure that the proposed development does not negatively impact on surrounding land. These include the requirement for a stormwater management plan, erosion and sediment control plan and detailed design drawings for the stormwater drainage infrastructure.

8. 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 for that purpose.

Comments were received from a number of service authorities and highlighted a number of development specific requirements that have been addressed through appropriate conditions and/or notations on the development permit.

9. Pursuant to Section 51(n) of the *Planning Act*, the consent authority must take into consideration the public amenity in the area in which the land is situated.

The proposal is consistent with the existing and anticipated use of the site for organised recreation and is consistent with the purpose of the zone. The new indoor netball stadium and support facilities is considered a positive addition to the Marrara Sporting Complex and is likely to improve the amenity of the area through the provision of additional sporting facilities and increased opportunity to attract major sporting events to Darwin.

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

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

A handwritten signature in blue ink, appearing to read 'S. Philip', is written over a light blue circular stamp.

**SUZANNE PHILIP**  
Chair

**22/11/17**