

**ENCL:
YES**

2ND ORDINARY COUNCIL MEETING/OPEN

AGENDA ITEM: 15.1

COUNCIL RESPONSES TO PLANNING APPLICATIONS - AUGUST 2018

REPORT No.: 18CF0078 BS:hd

COMMON No.: 2547669

DATE: 28/08/2018

Presenter: Acting Manager City Planning, Nadia Smith

Approved: Acting General Manager City Futures, Shenagh Gamble

PURPOSE

The purpose of this report is to present to Council for consideration responses to planning applications exhibited between 4 and 17 August 2018.

LINK TO STRATEGIC PLAN

The issues addressed in this Report are in accordance with the following Goals/Strategies as outlined in the 'Evolving Darwin Towards 2020 Strategic Plan':-

Goal

1. Collaborative, Inclusive and Connected Community

Outcome

1.4 Improved relations with all levels of government and significant stakeholders

Key Strategies

1.4.2 Play an active role in strategic and statutory planning processes

KEY ISSUES

- A summary of City of Darwin responses to the Development Consent Authority for development applications exhibited between 4 and 17 August 2018 is provided.
- A comparison of Council responses for planning-related development applications and the Development Consent Authority outcomes is included.
- One sign permit was issued between 4 and 17 August 2018.

RECOMMENDATIONS

- A. THAT Report Number 18CF0078 BS:hd entitled Council Responses to Planning Applications - August 2018, be received and noted.
- B. THAT Council endorse the responses to the Development Consent Authority within **Attachments A** and **B** to Report Number 18CF0078 BS:hd entitled Council Responses to Planning Applications - August 2018.
- C. THAT the cross-reference table of the Development Consent Authority outcomes at **Attachment C** to Report Number 18CF0078 BS:hd entitled Council Responses to Planning Applications - August 2018, be received and noted.

BACKGROUND

City of Darwin responded to four development applications and issued one sign permit between 4 and 17 August 2018.

DISCUSSION

Of the four development applications, City of Darwin officers recommend supporting three applications and not supporting one application.

Development applications supported, subject to normal Council conditions

The table below describes the development applications that are supported by City of Darwin officers, subject to Council's normal development permit conditions in regard to issues including, but not necessarily limited to, waste collection, access and stormwater drainage.

Property Address	Description of Development Proposal
Lot 1523 - Town of Darwin 41 Cavenagh Street, Darwin City Plaza Building – Cycle Zone	Enclosure of an existing 'breezeway' between two shops to extend the net floor area. The existing development includes a breezeway which is open to the sky. The proposal is to encompass the existing breezeway to make the shop more functional.
Lot 2680 - Town of Nightcliff 5 Sanders Street, Jingili	Carport addition and alterations to an existing single dwelling with reduced side setback Requires 1.5m, proposes 0.3m.

Property Address	Description of Development Proposal
	Neighbours have landscaping that would likely reduce any amenity impacts.
Lot 1211 - Town of Darwin 13 Lambell Terrace, Larrakeyah	Unit titles subdivision to create three units and common property The development is under construction. No City of Darwin issues were identified.

The responses to these development applications are provided as **Attachment A** to this report.

Development application that has not been supported:

The table below describes the development application that was not supported by City of Darwin officers, for the reasons outlined below.

Property Address	Description of Development Proposal	Objected / Not Supported
Lot 3154 - Town of Darwin 10 Edwards Street, Parap	Alterations and additions (carport, portico and shed) to an existing single dwelling with reduced front, side and rear setbacks	Not Supported <ul style="list-style-type: none"> • The driveway does not comply with Council standards; and • The proposed front setback of 2.7m is a significant variation to the required 4.5m, considering the height and length of the proposed carport and the existing streetscape amenity.

The response to this development application is provided at **Attachment B** to this report.

Sign Application

City of Darwin officers issued a sign permit to the Northern Territory Property Group at Lot 6517 (21) Knuckey Street, Darwin.

The site is known as “Darwin Central” which is to be rebranded to include Rydges.

The sign permit includes two new large illuminated wall signs, both directed towards Knuckey Street, four new illuminated under awning projecting signs and the rebranding of an existing projecting sign.

The proposed signage is in keeping with existing signs in the Central Business District and the size of the signs is not expected to affect the amenity of the area.

Cross Reference Table

A comparison of Council letter responses and the Development Consent Authority outcomes for hearings held on the 20 July and 3 August 2018 is provided in **Attachment C**.

CONSULTATION PROCESS

In preparing this report, the following City of Darwin officers were consulted:

- Planning Officer

POLICY IMPLICATIONS

Relevant Council policies are noted in individual letter responses.

BUDGET AND RESOURCE IMPLICATIONS

Budget implications may arise from individual development applications, including payment in lieu of car parking, payment of various contribution plans, and long term upgrading of infrastructure and services as a result of accumulative development.

RISK/LEGAL/LEGISLATIVE IMPLICATIONS

Risks, legal and legislative implications, if applicable, are noted in individual letter responses.

ENVIRONMENTAL IMPLICATIONS

Environmental implications, if applicable, are noted in individual letter responses.

COUNCIL OFFICER CONFLICT OF INTEREST DECLARATION

We the Author and Approving Officers declare that we do not have a Conflict of Interest in relation to this matter.

NADIA SMITH
ACTING MANAGER CITY PLANNING

SHENAGH GAMBLE
ACTING GENERAL MANAGER CITY
FUTURES

For enquiries, please contact Nadia Smith on 8930 0412 or email:
n.smith@darwin.nt.gov.au.

Attachments:

- Attachment A:** Letters of support, subject to normal Council conditions, for development applications not yet considered by the Development Consent Authority
- Attachment B:** Letters not supporting or objecting to development applications not yet considered by the Development Consent Authority.
- Attachment C:** Cross reference table of City of Darwin responses and the Development Consent Authority outcomes.

10 August 2018

Reference: PA2018/0314 BS:hd

Ms Dawn Parkes
Manager Urban Planning
Department of Infrastructure, Planning & Logistics
GPO Box 1680
DARWIN NT 0801

Dear Ms Parkes

Parcel Description: **Lot 1523 - Town of Darwin
41 Cavenagh Street, Darwin City**

Proposed Development: **Enclosure of 'breezeway' between two shops to
extend floor area**

Thank you for the development application referred to this office 26 July 2018, concerning the above. This letter may be placed before City of Darwin's Ordinary Council Meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

The following issues are raised for consideration by the Authority:

- i). **City of Darwin supports the granting of a development permit however notes**

Lot 1523 (41) Cavenagh Street is subject to the *Local Government (Darwin Parking Local Rates) Regulations*, and is subject to the payment of the annual car parking shortfall levy. The submitted application indicates that one further car parking bay is required for the extension to the existing shop.

The revised car parking usage schedule for the additional car parking bay will be charged to the premises under the *Local Government (Darwin Parking Local Rates) Regulations*, if the development application is approved.

Should this application be approved, the following condition pursuant to the *Planning Act* and City of Darwin's responsibilities under the *Local Government Act*



are also recommended for inclusion in the development permit issued by the Development Consent Authority.

- 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.

In considering this application, the Development Consent Authority is requested to take into account any implications of the *Disability Discrimination Act* (Cth) or the *Anti-Discrimination Act* (NT) with regard to access for the disabled.

If you require any further discussion in relation to this application, please feel free to contact me on 8930 0412.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Nadia Smith', with a long horizontal flourish extending to the right.

NADIA SMITH
ACTING MANAGER CITY PLANNING



10 August 2018

Reference: PA2018/0323 BS:hd

Ms Dawn Parkes
Manager Urban Planning
Department of Infrastructure, Planning & Logistics
GPO Box 1680
DARWIN NT 0801

Dear Ms Parkes

Parcel Description: **Lot 2680 - Town of Nightcliff
5 Sanders Street, Jingili**

Proposed Development: **Carport addition and alterations to existing single
dwelling with a reduced side setback**

Thank you for the development application referred to this office 31 July 2018, concerning the above. This letter may be placed before City of Darwin's Ordinary Council Meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

The following issues are raised for consideration by the Authority:

- i). **City of Darwin does not object to the granting of a development permit.**
- ii). **City of Darwin requests that should a development permit be issued, that the following be provided as a condition precedent:**
 - a). **A dilapidation report covering infrastructure within the road reserve to the satisfaction of City of Darwin at no cost to Council.**
 - b). **City of Darwin requests that the Authority require a schematic plan demonstrating that stormwater run-off is capable of being discharged across the lot surface to the main drainage system or to an approved alternate connection. The applicant's plans fail to demonstrate how on-site stormwater will be collected and discharged to City of Darwin's drainage network.**



- 1). City of Darwin stormwater discharge guidelines do not allow concentrated discharge of stormwater from a single dwelling lot to adjoining properties or the road reserve. All stormwater is to be piped or dispersed via sheet flow to the road reserve.

Should this application be approved, the following conditions pursuant to the *Planning Act* and City of Darwin's responsibilities under the *Local Government Act* are also recommended for inclusion in the development permit issued by the Development Consent Authority.

- Designs and specifications for landscaping of the road verges adjacent to the property shall be submitted for approval by City of Darwin and all approved works shall be constructed at the applicant's expense, to the requirements of City of Darwin.
- The location, design and specifications for proposed and affected crossovers shall be provided at the applicant's expense, to the satisfaction of City of Darwin.
- All developments on/or adjacent to any easements on-site, in favour of City of Darwin shall be carried out to the requirements and satisfaction of City of Darwin.
- Any proposed stormwater connections to City of Darwin stormwater system or 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.

In considering this application, the Development Consent Authority is requested to take into account any implications of the *Disability Discrimination Act* (Cth) or the *Anti-Discrimination Act* (NT) with regard to access for the disabled.

If you require any further discussion in relation to this application, please feel free to contact me on 8930 0412.

Yours faithfully



NADIA SMITH
ACTING MANAGER CITY PLANNING



10 August 2018

Reference: PA2018/0310 BS:hd

Ms Dawn Parkes
Manager Urban Planning
Department of Infrastructure, Planning & Logistics
GPO Box 1680
DARWIN NT 0801

Dear Ms Parkes

Parcel Description: **Lot 1211 - Town of Darwin
13 Lambell Terrace, Larrakeyah**

Proposed Development: **Unit titles subdivision to create three units and
common property**

Thank you for the development application referred to this office 31 July 2018, concerning the above. This letter may be placed before City of Darwin's Ordinary Council Meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

No issues are raised for this Development application in relation to matters that fall within the responsibility of City of Darwin.

If you require any further discussion in relation to this application, please feel free to contact me on 8930 0412.

Yours faithfully



NADIA SMITH
ACTING MANAGER CITY PLANNING

10 August 2018

Reference: PA2018/0303 BS:hd

Ms Dawn Parkes
Manager Urban Planning
Department of Infrastructure, Planning & Logistics
GPO Box 1680
DARWIN NT 0801

Dear Ms Parkes

Parcel Description: Lot 3154 - Town of Darwin
10 Edwards Street, Parap

Proposed Development: Alterations and additions (carport, portico and shed) to an existing single dwelling with reduced front, side and rear setbacks

Thank you for the development application referred to this office 26 July 2018, concerning the above. This letter may be placed before City of Darwin's Ordinary Council Meeting. Should this letter be varied or not endorsed by Council, you will be advised accordingly.

The following issues are raised for consideration by the Authority:

- i). **City of Darwin does not support the granting of a development permit for the following reasons:**

Driveway

The proposed access to the site does not meet City of Darwin requirements, particularly the width of the proposed crossover. If the Authority approves this application, City of Darwin requests that the Authority require an updated plan demonstrating that the access complies with City of Darwin standards.

Front Setback

The proposed 2.7 metre front setback (1.9 metre to the roofline) requires a 1.8 metre variation to the front setback, which is a significant variation to the front setback requirements of the Northern Territory Planning Scheme considering the existing streetscape character is generally dominated by



vegetation. The proposed variation to the front setback combined with the length and height of the proposed carport is likely to have an undue impact on the amenity and visual aesthetics of the streetscape.

It is considered that the applicant hasn't adequately addressed the special circumstances for the front setback variation. It is considered that the subject site being 1,230m² in size could be capable of achieving a compliant development.

- ii). **City of Darwin requests that should a development permit be issued, that the following be provided as a condition precedent:**
- a). **A dilapidation report covering infrastructure within the road reserve to the satisfaction of City of Darwin at no cost to Council.**
 - b). **Access to the site shall meet City of Darwin requirements, particularly the width and location of the proposed crossover.**
 - c). **City of Darwin requests that the Authority require a schematic plan demonstrating that stormwater run-off is capable of being discharged across the lot surface to the main drainage system or to an approved alternate connection.** The applicant's plans fail to demonstrate how on-site stormwater will be collected and discharged to City of Darwin's drainage network.
 - 1). City of Darwin stormwater discharge guidelines do not allow concentrated discharge of stormwater from a single dwelling lot to adjoining properties or the road reserve. All stormwater is to be piped or dispersed via sheet flow to the road reserve.
 - d). **Site Construction**
City of Darwin requests that an Environmental and Construction Management Plan (ECMP) be required.
 The ECMP should specifically address the following:
 - waste management,
 - traffic control,
 - haulage routes,
 - storm water drainage,
 - use of City of Darwin land, and
 - how this land will be managed during the construction phase;
 to the satisfaction of City of Darwin.



Note: Sediment control measures are to be established and maintained, to prevent silt and sediment escaping the site or producing erosion.

Building rubbish or debris must not be placed, or be permitted to be placed, on any adjoining public reserve, footway, road or private land, without first obtaining a works approval from City of Darwin.

Should this application be approved, the following conditions pursuant to the *Planning Act* and City of Darwin's responsibilities under the *Local Government Act* are also recommended for inclusion in the development permit issued by the Development Consent Authority.

- Designs and specifications for landscaping of the road verges adjacent to the property shall be submitted for approval by City of Darwin and all approved works shall be constructed at the applicant's expense, to the requirements of City of Darwin.
- The location, design and specifications for proposed and affected crossovers shall be provided at the applicant's expense, to the satisfaction of City of Darwin.
- Kerb crossovers and driveways to the site shall be provided and disused crossovers removed, public footpath and cycleways shall be provided, stormwater shall be collected and discharged into City of Darwin's drainage network, and reinstatement works carried out, all of which is to be provided at the applicant's expense and to the requirements and satisfaction of City of Darwin.
- Sight lines shall be provided at crossovers to public streets, to the satisfaction of, City of Darwin. No fence or tree exceeding 0.6 metres in height shall be planted in front of the sight line.
- All developments on/or adjacent to any easements on-site, in favour of City of Darwin shall be carried out to the requirements and satisfaction of City of Darwin.
- Any proposed stormwater connections to City of Darwin stormwater system or 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.



If you require any further discussion in relation to this application, please feel free to contact me on 8930 0412.

Yours faithfully

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NADIA SMITH
ACTING MANAGER CITY PLANNING



Note: Standard conditions requested by City of Darwin have been included in the development permits.

DCA ITEM NUMBER & SUBJECT DESCRIPTION	SUMMARY OF ISSUES	DEVELOPMENT CONSENT AUTHORITY RESPONSE
<p>ITEM 1</p> <p>PA2018/0230</p> <p>Lot 728 (1) Enterprise Street, Anula</p> <p>Town of Sanderson</p>	<p>Independent unit with a reduced front setback</p> <p>City of Darwin did not object to the granting of a development permit, provided the minimum car parking requirements are complied with.</p>	<p>The Development Consent Authority consented to the application, provided the size of the unit is reduced to 50m².</p>
<p>ITEM 2</p> <p>PA2018/0204</p> <p>Lot 6503 & 6504 (66 & 64) Frances Bay Drive, Stuart Park</p> <p>Town of Darwin</p>	<p>Replacement blast and paint shelter (maritime and waterfront industry)</p> <p>No issues were identified for this development application in relation to matters that fell within the responsibility of City of Darwin.</p>	<p>The Development Consent Authority consented to the application.</p>
<p>ITEM 3</p> <p>PA2018/0235</p> <p>Lot 7748 (57) Ruddick Circuit, Stuart Park</p> <p>Town of Darwin</p>	<p>Single dwelling with a reduced front and side setback</p> <p>No issues were identified for this development application in relation to matters that fell within the responsibility of City of Darwin.</p>	<p>The Development Consent Authority consented to the application.</p>

DCA ITEM NUMBER & SUBJECT DESCRIPTION	SUMMARY OF ISSUES	DEVELOPMENT CONSENT AUTHORITY RESPONSE
<p>ITEM 4</p> <p>PA2018/0231</p> <p>Section 6196 (171) Hidden Valley Road, Hidden Valley</p> <p>Hundred of Bagot</p>	<p>Two-storey administration and function building addition to an existing leisure and recreation facility (Hidden Valley Motor Sports Complex)</p> <p>No issues were identified for this development application in relation to matters that fell within the responsibility of City of Darwin.</p>	<p>The Development Consent Authority consented to the application.</p>
<p>ITEM 5</p> <p>PA2018/0226</p> <p>Lot 2293 (11) Knuckey Street, Darwin City</p> <p>Town of Darwin</p>	<p>Extensions to an existing restaurant</p> <p>City of Darwin did not object to the granting of a development permit.</p>	<p>The Development Consent Authority consented to the application.</p>
<p>ITEM 6</p> <p>PA2018/0098</p> <p>Lot 5390 (27) Lambell Terrace, Larrakeyah</p> <p>Town of Darwin</p>	<p>Independent unit with a floor area in excess of 50m²</p> <p>City of Darwin did not object to the granting of a development permit.</p>	<p>The Development Consent Authority refused the application.</p>

CROSS REFERENCE SHEET – Meeting 320 – Friday 3 August 2018

Note: Standard conditions requested by City of Darwin have been included in the development permits.

DCA ITEM NUMBER & SUBJECT DESCRIPTION	SUMMARY OF ISSUES	DEVELOPMENT CONSENT AUTHORITY RESPONSE
<p>ITEM 1</p> <p>PA2017/0471</p> <p>Lot 11856 (125) Asche Street, Muirhead</p> <p>Town of Nightcliff</p>	<p>RECONSIDERATION - 2 x 3 bedroom multiple dwellings in a single storey building</p> <p>City of Darwin was not invited to comment.</p>	<p>The Development Consent Authority consented to the application.</p>
<p>ITEM 2</p> <p>PA2018/0158</p> <p>Lot 2365 (38) Cavenagh Street, Darwin City</p> <p>Town of Darwin</p>	<p>Office and ground level commercial tenancies in a 10 storey building plus two levels of basement car parking</p> <p>City of Darwin supported the application provided that the following is to be provided to City of Darwin standards:</p> <ul style="list-style-type: none"> • Traffic Impact Assessment; • Awnings; • A condition that ties the two developments together; • A condition that should 12 & 14 Litchfield Street not be developed then the Development Consent Authority determine an appropriate car parking contribution to 38 Cavenagh Street; and • If developed as proposed (i.e. 38 Cavenagh and 12&14 Litchfield Street) then City of Darwin will charge an appropriate car parking levy. 	<p>The Development Consent Authority deferred the application and requested the following relevant information:</p> <ul style="list-style-type: none"> • Further resolution to the traffic concerns and of the physical changes likely to be required to accommodate the development within the road network. • Amended plans addressing the provision of landscaping to reduce the visual impact and providing shade and screening of open expanses of pavement and car parking for the related car park at 12 & 14 Litchfield Street, Darwin City.

DCA ITEM NUMBER & SUBJECT DESCRIPTION	SUMMARY OF ISSUES	DEVELOPMENT CONSENT AUTHORITY RESPONSE
<p>ITEM 3</p> <p>PA2018/0159</p> <p>Lots 2396 & 2397 (12 & 14) Litchfield Street, Darwin City</p> <p>Town of Darwin</p>	<p>7 Storey carpark (324 spaces)</p> <p>Items 2 and 3 were assessed and responded together by both City of Darwin and the Development Consent Authority.</p>	<p>Refer above to item 2 notes.</p>