

## **DEVELOPMENT CONSENT AUTHORITY**

### **DARWIN DIVISION**

### **MINUTES**

**MEETING No. 165 – FRIDAY 8 APRIL 2011**

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

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

**APOLOGIES:** Heather Sjoberg

**OFFICERS PRESENT:** Margaret Macintyre (Secretary), Mone Coats-Ross, Doug Lesh, Steven Conn, Deborah Buise and Kate Smyth (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Nil

**Meeting opened at 11.00 am and closed at 12.00 noon**

**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**                      **10 X 2 AND 1 X 3 BEDROOM MULTIPLE DWELLINGS IN A 7 STOREY**  
**PA2010/1376**           **BUILDING WITH GROUND LEVEL CARPARKING**  
                                 **LOT 1214 (6) MERKUR COURT, TOWN OF DARWIN**  
**APPLICANT**           **JUNE D'ROZARIO & ASSOCIATES PTY LTD**

Pursuant to section 97 of the *Planning Act*, Mr Garry Lambert, a member of the Darwin Division of the Development Consent Authority declared an interest and did not take part in the deliberation of this item.

Ms June D'Rozario (June D'Rozario & Associates), Mr Hully Liveris (Hully Liveris Design) and Mr Lloyd Nair (owner) attended.

Submitter Ms Rose Hallett attended.

**RESOLVED**  
**71/11**

That, the Development Consent Authority vary the requirements of Clauses 7.3 (Building Setbacks of Residential Buildings), 7.5 (Private Open Space) and 7.7 (Landscaping for Multiple Dwellings, hostels and Supporting Accommodation) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act, the Development Consent Authority consent to the application to develop Lot 1214 (6) Merkur Court, Town of Darwin for the purpose of 10 x 2 bedroom multiple dwellings in a 6 storey building with ground level carparking, subject to the following conditions:

**CONDITION PRECEDENT**

1. Prior to the endorsement of plans and the commencement of works (including site preparation) a schematic plan demonstrating the feasibility of all stormwater to be collected on the site and discharged to Darwin City Council's stormwater drainage system, must be provided meeting Darwin City Council requirements to the satisfaction of the consent authority. The plans shall include details such as, but not limited to:
  - (a) Site levels and stormwater drain connection point/s; and
  - (b) How stormwater will be collected on the site and connected to the relevant systems.
2. Prior to the endorsement of plans and the commencement of works (including site preparation) written confirmation is required from the Power and Water Corporation advising that an encroachment agreement has been agreed upon to the satisfaction of the consent authority.

3. Prior to the endorsement of plans and 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 plan must be drawn to scale with dimensions and two copies must be provided. The plan must show a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes at maturity, and qualities of each plants. The plans must in particular provide landscaping which softens and breaks up the view of the carpark, to the satisfaction of the consent authority.

#### **GENERAL CONDITIONS**

4. 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 water supply, drainage, sewerage facilities and electricity services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
6. 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.
7. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Darwin City Council, to the satisfaction of the consent authority.
8. 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 Darwin City Council, to the satisfaction of the consent authority.
9. Before the use or occupation of the development starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
  - a) constructed;
  - b) properly formed to such levels that they can be used in accordance with the plans;
  - c) surfaced with an all-weather-seal coat;
  - d) drained to the satisfaction of the consent authority;

Car spaces and driveways must be kept available for these purposes at all times.

10. 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.
11. 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.
12. No fence, hedge, tree or other obstruction exceeding a height of 0.6 m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
13. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
14. All air conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
15. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council 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 to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. Telstra advise that prior to the commencement of works the developer is to contact Telstra via its web site <http://www.telstrasmartcommunity.com> to facilitate the installation of the Telstra Network.
3. You are advised that if it is intended to strata title the development which is the subject of this permit that the consent of the Development Consent Authority (DCA) will be required for subdivision approval to unit title under the *Unit Title Schemes Act*, and the lodging of a development application will be required.

#### REASONS FOR THE DECISION

1. The proposal is generally consistent with the primary purpose of Zone HR which "is to provide for high density housing options close to major roads, schools and other community facilities".
2. A variation to clause 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme to allow reduced side setbacks to the east and west side boundaries is supported as the building has been designed in such a way that no windows will face either of these

boundaries therefore it is unlikely that the proposed development will have any negative impact on the amenity of the adjoining properties. The absence of windows on these boundaries has been identified by the Development Consent Authority as special circumstances justifying the granting of a variation to the requirement of clause 7.3 (Building Setbacks of Residential Buildings).

3. A variation to clause 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme to allow a reduced rear setback is supported as the 0.0m setback only extends 7m along the rear boundary and there are no windows along the 0.0m setback and as such there will be no loss of privacy from overlooking. Furthermore, the reduction in height of the building from 8 storeys to 6 storeys will reduce the visual mass of the building to the adjoining property on the rear boundary. The short 7m length of the 0.0m setback and the exclusion of windows on this section of the buildings have been identified by the Development Consent Authority as special circumstances justifying the granting of a variation to the requirement of clause 7.3 (Building Setbacks of Residential Buildings).
4. A variation to clause 7.5 (Private Open Space) of the Northern Territory Planning Scheme is supported as each balcony is in excess of the 12m<sup>2</sup> minimum requirement and as the layout of the private open space of the units is considered appropriately designed to allow the occupants to use the space to its full potential. Each balcony having in excess of the minimum size requirement of 12m<sup>2</sup> has been identified by the Development Consent Authority as special circumstances justifying the granting of a variation to the requirement of clause 7.5 (Private Open Space) of the Northern Territory Planning Scheme.

A variation to clause 7.7 (Landscaping for Multiple Dwellings, Hostels and Supporting Accommodation) of the Northern Territory Planning Scheme is supported as it is considered that the shortfall in landscaping (37.12m) is small in the context of the site. Furthermore it is considered that the proposed landscaping will complement and enhance the streetscape as 4 areas of generous landscaping have been provided in prominent locations around the site so as to reduce the visual impact of the development on the streetscape. The generous areas of landscaping and the prominent location of the landscaped areas has been identified by the Development Consent Authority as special circumstances justifying the granting of a variation to the requirement of clause 7.7 (Landscaping for Multiple Dwellings, Hostels and Supporting Accommodation) of the Northern Territory Planning Scheme.

**ACTION:** Notice of Determination

ITEM 2  
PA2010/1459

**STORAGE ADDITION AND REFURBISHMENT TO AN EXISTING  
SHOWROOM SALES DEVELOPMENT.**

APPLICANT

**LOT 5957 (42) STUART HIGHWAY, TOWN OF DARWIN  
JAKE STOREY**

Mr Jake Storey (Storey & Castle Planning Pty Ltd) and Mr Simon Greenhalgh (Wills Greenhalgh Architects) attended.

**RESOLVED  
72/11**

That the Development Consent Authority vary the requirements of clause 6.5.1 (Parking Requirements) as per clause 6.5.2 (Reduction in Parking Requirements) of the Northern Territory Planning Scheme, and vary the requirements of clause 6.5.3 (Parking Layout), and pursuant to Section 53(a) of the *Planning Act*, consent to the application to develop Lot 5957 (42) Stuart Highway, Town of Darwin for the purpose of a warehouse (storage) addition and refurbishment to an existing showroom sales development, subject to the following conditions:

**CONDITIONS PRECEDENT**

1. Prior to the commencement of works (including site preparation), and prior to the endorsement of plans, a schematic plan demonstrating all stormwater to be collected on the site and discharged underground to Council's stormwater drainage system is to be submitted, to the requirements of Darwin City Council, to the satisfaction of the consent authority.

**GENERAL CONDITIONS**

2. The works carried out under this permit shall be in accordance with the drawings numbered 2010/1459/1 through 2010/1459/7, endorsed as forming part of this permit.
3. 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.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity, gas and telecommunications services to the land shown on the endorsed plan in accordance with the authorities' requirements.
5. Stormwater is to be collected and discharged into the drainage network to the technical standards of, and at no cost to, the Department of Lands and Planning, to the satisfaction of the consent authority.
6. The carparking area shown on the endorsed plans must be kept available at all times for the exclusive use of the occupants of the development and their customers.
7. 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.

8. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council, to the satisfaction of the consent authority.
9. The loading/ unloading of goods from vehicles must only be carried out on the land, and must not disrupt the circulation and parking of vehicles on the land.

#### **NOTES:**

1. Darwin City Council advises that any signage for the site shall be wholly within the subject site and subject to Council Policy No. 42 – Outdoor Advertising Signs Code.
2. 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 in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
3. The developer is responsible for safety clearance compliance between existing overhead power lines in the area and any new building or extension during construction and its completed stage, in accordance with the NT Electricity Reform (Safety and Technical) Regulations 2000. If any work is required on existing overhead power lines, the design and installation cost shall be borne by the developer.
4. The development not comply with the car parking requirements as listed in clause 6.5.1 (Parking Requirements) of the NT Planning Scheme with a technical shortfall of 20 spaces.

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

1. The proposal for use of the site for showroom sales is consistent with the primary purpose of Zone SC (Service Commercial), which is to "provide for commercial activities, which, because of the nature of their business or size of the population catchment, require larger sites".
2. A reduction to the requirements of clause 6.5.1 (Parking Requirements) of the Northern Territory Planning Scheme is supported under clause 6.5.2 (Reduction in Parking Requirements) as the works will see a reduction in net floor area of 35m<sup>2</sup>, and a reduction in parking required through clause 6.5.1 (Parking Requirements) of 1.4 spaces. A surplus on the difference between the requirements prior to lodgement and those following construction means that despite the recommended removal of 1 on-site parking bay, the development will continue to provide an appropriate level of parking for the use on the site.

3. A reduction to the requirements of clause 6.5.1 (Parking Requirements) of the Northern Territory Planning Scheme is supported through clause 6.5.2 (Reduction in Parking Requirements) based on an analysis of the data supplied in the traffic report prepared by Chris Maragos & Associates, dated 20.12.2010, and the carparking study prepared by Storey & Castle Planning, dated 16.03.2011, which indicate a surplus of supply in the surrounding area.

A variation to the requirements of clause 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme is supported as all the bays provided on-site meet the dimensional requirements of the Planning Scheme, and the lack of a 6m aisle or driveway is considered to be countered by the fact that the low volumes of traffic using the carparking area mean that the probability of two cars passing each other or creating a conflict in this space is quite small. The support for the variation is significantly based on an acknowledgement that the carparking area is existing and has been in place and operation for several years with no apparent detrimental impact on access or safety.

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

**ITEM 3** 36 MOTEL SUITES, RESTAURANT, BAR AND HEALTH SPA IN 6 SINGLE  
**PA2010/1389** STOREY BUILDINGS AND 2 X 2 STOREY BUILDINGS  
**APPLICANT** LOT 5244 (1) CASINO DRIVE TOWN OF DARWIN  
JUNE D'ROZARIO

DAS tabled an amended recommendation.

Ms June D'Rozario (June D'Rozario & Associates) attended.

**RESOLVED** That the Development Consent Authority vary the requirements of clause 6.5.1  
**73/11** (Parking Requirements) of the Northern Territory Planning Scheme, and pursuant to Section 53(a) of the *Planning Act*, consent to the application to develop Lot 5244 (1) Casino Drive, Town of Darwin for the purpose of 36 motel suites, restaurant, bar and health spa in 6 single storey buildings and 2 x 2 storey buildings, subject to the following conditions:

#### **CONDITIONS PRECEDENT**

1. Prior to the endorsement of plans and the commencement of works (including site preparation) a schematic plan demonstrating all stormwater and the pool overflow is to be collected on the site and discharged to the Darwin City Council's stormwater drainage system must be provided to Darwin City Council, to the satisfaction of the consent authority. The plan shall provide details of site levels and drainage connection point/s and how stormwater will be collected on the site and connected underground and confirm the feasibility to collect stormwater on the site and dispose of it into Council's stormwater drainage system. If pool water is to be discharged to Little Mindil Creek via the storm water system, a Waste Discharge License is required for licensing under

the *Water Act* and can be obtained from NRETAS prior to the commencement of works to the satisfaction of the consent authority.

2. Prior to the commencement of works an Erosion and Sediment Control Plan (ESCP), including details and location of stormwater drains, is to be submitted to and approved by the consent authority on the advice of the Department of Natural Resources, Environment and the Arts (Natural Resource Management Division), and an endorsed copy of the Plan will form part of this permit. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the satisfaction of the consent authority.
3. Prior to the endorsement of plans and the commencement of works detailed information in relation to the management of the overflows and discharges from the recreational swimming pools and the location of any inlet and outlet pipes must be provided for approval by the Department of Natural Resources, Environment, the Arts and Sport for approval to the satisfaction of the consent authority. Plans will not be endorsed, and works may not commence until approval from NRETAS has been obtained to the satisfaction of the consent authority.

#### 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 developer is to ensure all development work is undertaken in a manner that prevents the creation of a public health nuisance from dust or other particulate to the satisfaction of the consent authority.
6. Storm water is to be collected and discharged into the drainage network to the technical standards of and at no cost to Darwin City Council to the satisfaction of the consent authority.
7. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity, gas and telecommunication services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
8. The kerb crossover and driveways to the site approved by this permit are to meet the technical standards of the Darwin City Council, to the satisfaction of the consent authority.
9. 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 Darwin City Council, to the satisfaction of the consent authority.

10. Before the use starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
  - (a) constructed;
  - (b) properly formed to such levels that they can be used in accordance with the plans;
  - (c) surfaced with an all-weather-seal coat;
  - (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 driveways;to the satisfaction of the consent authority.

Car spaces, access lanes and driveways must be kept available for these purposes at all times.

11. The car parking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their visitors.
12. 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.
13. Before the use starts the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
14. 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.
15. All air conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
16. 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.
17. All substation, fire booster, and water meter arrangements are to be appropriately screened, to soften the visual impact of such infrastructure on the streetscape, to ensure that the infrastructure is sympathetic to and blends in with the design of the building. Details will need to be resolved in consultation with the Power and Water Corporation and Fire and Emergency Services and, as the case may be, to the satisfaction of the consent authority.
18. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council to the satisfaction of the consent authority.
19. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

20. The finished ground surface level of the development is to be no lower than 6.1m AHD or 300mm above the primary storm surge level applicable at the time the building permit is issued, which ever is greater.
21. Prior to the commencement of use, a Lagoon Management Plan must be submitted to The Department of Health and Families for approval. The plan must include details of the testing regime, lifeguards, likely bather numbers, whether children and toddlers are likely to use the facilities, faecal management strategy, 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) 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. All commercial accommodation must comply with the NT Public Health Act, NT Public Health (Shops, Boarding Houses, Hostels and Hotels) Regulations and the proposed NT Public Health Guidelines for Commercial Visitor Accommodation.
3. Plans must be submitted to the Environmental Health Greater Darwin Region, via a Building Certifier, for approval, prior to the construction of building works. Following assessment and approval the premises are required to be registered as a boarding house with the Department of Health and Families Environmental Health Greater Darwin Region prior to operating.
4. Pool discharge water is not stormwater and therefore must not be released into stormwater systems that ultimately drain into Darwin Harbour. A Waste Discharge Licence under the Water Act is required if pool water is to be discharged into Little Mindil Creek via the stormwater system.
5. The Aboriginal Areas Protection Authority (AAPA) has a record of a number of Sacred Sites within the area listed in the Register of Sacred Sites. The AAPA advises that a registered sacred site occurs on Lot 5224 and recommends that the permit holder obtains an Authority Certificate prior to commencing any works to indemnify against prosecution under the Aboriginal Sacred Sites Act. The AAPA has noted that:

"An Authority Certificate has previously been issued over with part or all of 1 Casino Drive Town of Darwin. As a consequence of this, under Sections 19A-22 of the Act, the Authority has placed conditions relating to the protection of Sacred Sites in relation to particular works. The accompanying map shows the approximate location of the Restricted Works Area identified in the Certificate. The Authority highly recommends that an Authority Certificate be applied for any proposed works".

For advice on how to obtain a certificate please phone (08) 8981 4700.

## REASONS FOR THE DECISION

1. The proposed development is consistent with the purpose of zone TC (Tourist Commercial) which is to provide for uses or development servicing tourism, including commercial and residential activities.
2. A variation to clause 6.5.1 (Parking Requirement) of the Northern Territory Planning Scheme to reduce the car parking generation rate by 127 bays. The variation is supported as it is considered that if Zone CB rates were applied to the proposed motel, restaurant and shop uses this alone (without the MMR Consultants study) would reduce the amount of car parking required by the proposed development to 39 spaces. The additional availability of car parking as evident in the MMR study, is considered likely to be the result of the mixed use characteristics of the CBD (where there is a propensity to visit multiple uses with only one vehicle trip) within the Casino as a whole.
3. Clause 6.14 suggests that residential uses should be avoided in the PSSA and SSSA. However, the site is within Zone TC (Tourist Commercial) which encourages development servicing tourism, including commercial and residential activities. It is therefore, considered that the nature of the proposal is compatible with Zone TC. Accordingly, the clause and the purpose of zone TC conflict with each other somewhat, and in such instance, a balance needs to be achieved, it is considered that the proposal achieves a reasonable balance through its construction with finished floor levels of 6.1m AHD.
4. The reference to 'flood level' is also applicable to the primary storm surge level, as both make reference a 1% Annual Exceedence Probability (AEP). This clause of the scheme requires finished floor levels of habitable rooms to be 300mm above the primary storm surge level (5.2m AHD). As mentioned above the finished floor level will be 6.1m AHD, or 300mm above the surge level, which ever is greater.
5. The development is nominated with satisfactory finished floor levels to accommodate a primary storm surge event. However, in order to achieve this, the proposal includes filling the land to bring it 0.1m AHD higher then the building pad of the SkyCity Casino. It is further noted that NRETAS did not provide any comments on this matter.
6. An erosion and sediment control plan must be submitted to The Department of Natural Resources, Environment, the Arts and Sport to the satisfaction of the consent authority is necessary to ensure that the erosion risk is managed and potential sediment pollution is contained within the site.
7. All landscaping must be designed to a suitable grade as to ensure that ponding does not occur during the wet and try seasons thus preventing the breeding of mosquitoes.

8. A Lagoon Management Plan is necessary to ensure that the swimming Lagoon is maintained at all times in accordance to health and safety standards.
9. Pool discharge water is not stormwater and therefore should not be released into stormwater systems that ultimately drain into Darwin Harbour. A Waste Discharge Licence under the Water Act is required if pool water is to be discharged into Little Mindil Creek via the stormwater system.

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

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



**PETER MCQUEEN**  
Chairman

11/4/11



## **DEVELOPMENT CONSENT AUTHORITY**

### **DARWIN DIVISION**

### **MINUTES**

**MEETING No. 166 – THURSDAY 21 APRIL 2011**

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

**MEMBERS PRESENT:** Peter McQueen (Chairman), David Hibbert, Grant Tambling, Bob Elix and Heather Sjoberg

**APOLOGIES:** Nil

**OFFICERS PRESENT:** Mone Coats-Ross (Acting Secretary), Doug Lesh, Steven Conn, Peter Sdraulig and Kate Smyth (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Nil

**Meeting opened at 9.30 am and closed at 10.30 noon**

**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**                      **16 X 1 BEDROOM SUPPORTING ACCOMMODATION UNITS AND**  
**PA2011/0147**            **4 SUPERVISOR ACCOMMODATION SUITES IN 2 SINGLE**  
                                 **STOREY BUILDING**  
                                 **LOT 6836 (54) SALONIKA STREET, TOWN OF DARWIN**  
**APPLICANT**            **RPPAUST**

Mr Robert Schmucker, along with Luke Ingrames and Thomas Bramley attended the meeting.

**RESOLVED**            That, the Development Consent Authority determine to reduce the car parking  
**74/11**                      requirements pursuant to clause 6.5.2 (Reduction in Parking Requirements) and vary  
                                 the requirements of Clause 7.5 (Private Open Space) of the Northern Territory  
                                 Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the  
                                 application to develop Lot 6523 (54) Salonika Street, Town of Darwin for the purpose  
                                 of a 16 x 1 bedroom supporting accommodation units (to cater for 32 children) and 4  
                                 supervisor accommodation suites in 2 single storey buildings subject to the conditions  
                                 below.

#### **CONDITION PRECEDENT**

1. Prior to the commencement of works (including site preparation) a schematic plan is to be provided, demonstrating that all stormwater can be collected and discharged to Council's stormwater drainage, to the requirements of Darwin City Council and to the satisfaction of the Department of Natural Resources, Environment, the Arts and Sport. This plan is to include details of site levels and stormwater drain connection points within the vicinity of the site.

#### **GENERAL CONDITIONS**

2. The works carried out under this permit shall be in accordance with the drawing numbers 2011/0147/1 through to 2011/0147/7 endorsed as forming part of this permit.
3. 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.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity and telecommunication services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. Before the occupation of the development starts, the area 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 driveways;
- to the satisfaction of the consent authority.
6. The car parking, access aisle and driveway shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their visitors.
  7. The owner shall:
    - (a) remove disused vehicle and/ or pedestrian crossovers;
    - (b) provide footpaths/ cycleways;
    - (c) collect stormwater and discharge it to the drainage network; and
    - (d) undertake reinstatement works;
 all to the technical requirements of and at no cost to Darwin City Council to the satisfaction of the consent authority.
  8. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to Darwin City Council and/or the Department of Natural Resources, Environment, the Arts and Sport.
  9. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council to the satisfaction of the consent authority.
  10. All air conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner 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. It is recommended by the Road Network Division of the Department of Lands and Planning that due to the proximity of the Stuart Highway and Proposed Main road corridor adjacent to the lot, the developer should have carried out, in accordance with AS3671-1989, "Acoustics – Road Traffic Noise Intrusion – Building Siting and Construction" an assessment by a suitably qualified person of the Development's present and predicted future exposure to road traffic noise levels and where required, provide appropriate noise attenuation

measures. Road Network Division further advises that all noise attenuation works necessary are the responsibility of the developer and shall be wholly contained (including foundations) within the subject lot.

## REASONS FOR THE DECISION

1. The proposal for an addition of 16 x 1 bedroom supporting accommodation units and 4 supervisor accommodation suites in 2 single storey buildings to an existing education establishment is consistent with the purpose of Zone CP (Community Purposes) of the Northern Territory Planning Scheme which is to 'provide for community services and facilities, whether publicly or privately owned or operated, including facilities for civic and government administration.'
2. The proposal is consistent with the existing use of the site and is unlikely to negatively affect the amenity of adjoining properties as it is sited 25m from the multiple dwellings to the south of the site. It is noted that accommodation facilities are presently successfully used within St Johns College.
3. A reduction in the parking requirements under clause 6.5.2 (Reduction in Parking Requirements) is warranted as there is a high level of excess car parking existing on both Campuses of the school and vehicle needs of the children to be housed in the supporting accommodation is low.

A variation to Clause 7.5 (Private Open Space) is supported as the private open space in the proposal is considered to be of sufficient quality and quantity to be consistent with the purpose of the clause as being of an adequate size to provide for domestic purposes given the short term nature of the individual residing in the suite.

## ACTION

Notice of Consent and Development Permit

ITEM 2  
PA2010/1405

**ADDITION OF 56 MOTEL SUITES IN A THREE STOREY BUILDING  
AND ASSOCIATED TWO STOREY CAR PARKING BUILDING TO  
AN EXISTING HOTEL PREMISES**

APPLICANT

**LOT 9717 (227) MCMILLANS ROAD, TOWN OF NIGHTCLIFF  
YELLOWCITY PTY LTD**

Mr Terry Nixon attended the meeting.

Submitter Ms Lisa Peters attended the meeting.

RESOLVED  
75/11

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 9717 (227) McMillans Road, Town of Nightcliff for the purpose of addition of 56 motel suites a three storey building and associated two storey car parking building to an existing hotel to require the applicant to provide the following additional information that the Authority considers necessary in order to enable a proper consideration of the application:

1. Provision of a report from a suitably qualified professional addressing the following matters:
  - a) assessment of the blind aisles against Australian Standard AS/NZS 2890.1:2004 – Parking Facilities and/ or alternative design solution complying with the relevant standard;
  - b) a properly constituted car parking study which includes dates, times and actual occupancy/ vacancy numbers for all existing car parking spaces on the site, and using this data to justify any requested car parking reduction for the proposed development and overall use of the land; and
  - c) the appropriateness of internal vehicle circulation, including an assessment of swept paths and requirements for any traffic control measures.
2. Additional information in respect to building design in response to the *Community Safety Design Guidelines* is required as it is considered the matter has not been satisfactorily resolved nor adequate justification provided for lack of passive surveillance opportunities to the public realm.
3. Written approval (or concept approval) from Darwin City Council to locate structures over Darwin City Council easements within the site.

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

1. The requirement for a report from a suitably qualified professional is considered necessary to ensure car parking and vehicle access within the site meets relevant standards to provide convenient and functional car parking, and that justification for any car parking reduction is evidenced by an appropriately suitable car parking study demonstrating that the existing and proposed is able to satisfy car parking demand generated by the development.
2. Additional information in Community Safety Design Guidelines The requirement for amended plans in respect to passive surveillance opportunities from the motel, or written justification is considered necessary. It is considered that there is scope to enable passive surveillance opportunities from the motel building, and the assessment against the is required to ensure the development responds positively to Clause 8.2 (Commercial and other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T), addresses section 51(p) of the *Planning Act*, addresses submitters concerns and addresses Darwin City Councils concerns. The primary issue is safety concerns associated with the lack of passive surveillance opportunities. Secondary concerns include how the design of the development responds to crime prevention through design objectives such as sightlines, design of the building exterior and openings, entrapment locations, lighting and way finding.
3. Written approval is required from Darwin City Council in respect to their easement in order to ensure the proposal does not adversely affect

Darwin City Councils infrastructure and ensure that redesign of the development will not be necessary.

**ACTION**

Advice to Applicant

**ITEM 3  
PA2010/1348  
APPLICANT**

**SUBDIVISION AND CONSOLIDATION TO CREATE 2 LOTS  
LOT 1334 (3) NEPTUNA CRESCENT, TOWN OF DARWIN  
EARL JAMES AND ASSOCIATES**

Mr Kevin Dodd attended the meeting.

**RESOLVED  
76/11**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop lots 1334 (3) Neptuna Crescent and 5297 (2) Malabar Street, Town of Darwin for the purpose of a subdivision and consolidation to create two lots, subject to the following conditions:

**GENERAL CONDITIONS**

1. Works carried out under this permit shall be in accordance with drawing numbered 2010/1348/1, endorsed as forming part of this permit.
2. 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.
3. 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.

**REASONS FOR THE DECISION**

1. The proposed subdivision and consolidation is consistent with the relevant clauses of the Northern Territory Planning Scheme.
2. It is noted that there are no minimum lot size requirements for lots in zone PS (Public Open Space). However, it is considered that subdividing the park area would not result in the park becoming non-compliant with the purpose of zone PS (Public Open Space) which is to provide public areas for recreational activity.

**ACTION**

Notice of Consent and Development Permit

ITEM 4  
PA2011/0145  
APPLICANT

**ALTERATIONS AND ADDITIONS TO AN EXISTING LICENSED CLUB  
LOT 9099 (269) TROWER ROAD, TOWN OF NIGHTCLIFF  
JOANNA REES**

Mr Shane Harris (on behalf of Joanne Rees, works for the architect) attended the meeting.

**RESOLVED  
77/11**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop 9099 (269) Trower Road, Town of Nightcliff for the purpose of alterations and additions to an existing licensed club, pending the following additional information considered necessary to enable a proper consideration of the application:

- Information from the Casuarina All Sports Club Inc. demonstrating to the satisfaction of the consent authority that the area identified as being for 'dining' use does not require a greater number of parking spaces than listed under clause 6.5.1 (Parking Requirements) of the NT Planning Scheme due to it being used for purposes other than dining.

**RESOLVED  
78/11**

That, pursuant to section 86 of the *Planning Act*, the Authority delegates to the Chairman, or in the Chairman's absence any one of the other members of the Darwin Division, the power under section 53 of the Act to determine the application to develop 9099 (269) Trower Road, Town of Nightcliff for the purpose of alterations and additions to an existing licensed club subject to:

- Receipt of additional information from the Casuarina All Sports Club Inc. demonstrating to the satisfaction of the consent authority that the area identified as being for 'dining' use does not require a greater number of parking spaces than listed under clause 6.5.1 (Parking Requirements) of the NT Planning Scheme due to it being used for purposes other than dining; and

- The following conditions:

**GENERAL CONDITIONS**

1. The works carried out under this permit shall be in accordance with the drawings numbered 2011/0145/1 through 2011/0145/3, 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. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, and electricity and telecommunications services to the land shown on the endorsed plan in accordance with the authorities' requirements.
4. Stormwater is to be collected and discharged into the drainage network to the technical standards of, and at no cost to, the Department of Lands and Planning, to the satisfaction of the consent authority.

5. 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.
6. The loading/ unloading of goods from vehicles must only be carried out on the land, and must not disrupt the circulation and parking of vehicles on the land.

**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. Any renovations to bars, food preparation areas or food delivery areas must have detailed plans submitted to the Department of Health, via a building certifier, for approval prior to the construction of building works.
3. The design and construction of all food premises must comply with the *NT Food Act 2004*, National Food Safety Standards: Standard 3.2.3 Food Premises and Equipment and the Building Code of Australia.
4. Under section 119 of the *Liquor Act*, notification of the material alterations described by this application must be made to the Licensing Commission, of the Department of Justice, before physical works are commenced.

## REASONS FOR THE DECISION

1. The alterations and additions to the existing licensed club on Lot 9099 (269) Trower Road, Town of Nightcliff are in line with the purpose of Zone C, "to provide for a range of business and community uses" and accord with the tertiary purpose of Zone C, for development to, "be of a scale and character appropriate to the service function of a particular centre, respect the amenity of adjacent and nearby uses, and promote community safety in building design, having regard to adjacent and nearby uses". Subject to satisfying the grounds for deferral, the works are compliant against all relevant clauses of the Northern Territory Planning Scheme.
2. The need to provide additional information regarding the use of the 'dining' area, is necessary in order to demonstrate that the area identified as being for 'dining' use does not require a greater number of parking spaces than listed under clause 6.5.1 (Parking Requirements) of the NT Planning Scheme due to it being used for purposes other than dining.

**ACTION**

Advice to applicant.

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



PETER MCQUEEN  
Chairman

28 /4/11



## **DEVELOPMENT CONSENT AUTHORITY**

### **DARWIN DIVISION**

### **MINUTES**

**MEETING No. 167 – FRIDAY 6 MAY 2011**

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

**MEMBERS PRESENT:** Peter McQueen (Chairman), David Hibbert, Grant Tambling, Bob Elix and Heather Sjoberg

**APOLOGIES:** Nil

**OFFICERS PRESENT:** Mone Coats-Ross (Acting Secretary), Doug Lesh, Hanna Stevenson (Second Session only) Steven Conn, Kate Smyth (First Session only) and Peter Sdrauilg (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Cindy Robson and Joseph Sheridan

**Meeting opened at 8.45 am and closed at 11.40am**

**ITEM 1**  
**PA2011/0203**  
**APPLICANT**

**MIXED USE DEVELOPMENT COMPRISING GROUND LEVEL  
OFFICES AND SHOPS AND 18 X 2 BEDROOM MULTIPLE DWELLINGS  
IN A 3 STOREY BUILDING PLUS BASEMENT CAR PARKING  
LOT 7625 (157) RYLAND ROAD, TOWN OF NIGHTCLIFF  
JUPITUR (NT) PTY LTD**

DAS tabled an addendum concerning late response received from Darwin City Council

George Savvas attended on behalf of Jupitur (NT) Pty Ltd.

Submitter Danielle Bodagh attended, also speaking on behalf of submitters Elizabeth Morris and Wendy Scarlett who were unable to attend.

Unknown attendee; did not address the authority.

**RESOLVED**  
**84/11**

That pursuant to Section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lots 7625 and 7626, Town of Nightcliff for the purpose of a mixed use development comprising ground level offices and shops and 18 x 2 bedroom multiple dwellings in a 3 storey building plus basement carparking, pending submission of the following additional information considered necessary for proper consideration of the application:

1. Information addressing the potential for a minimum setback of 2m for the building component closest to Lot 569, for a maximum length of 21m.
2. Confirmation from the Department of Lands and Planning's *Public Transport* division that the crossovers proposed on Ryland Road will not unreasonably impact on the two existing bus stops on Ryland Road in proximity of the subject site.
3. Either removal of the parking bays shown within the Nightcliff Road verge from the plans, or confirmation of their acceptance from Darwin City Council.
- (a) In the event that acceptance is gained from Darwin City Council for the inclusion of these bays into the road verge it is recommended that 1 of the bays be widened to satisfy the dimensional requirements of the Building Code of Australia for a disabled carparking space.
4. Confirmation that the proposed waste bin storage area will be capable of satisfying Darwin City Council's Waste Management Policy No. 54.
5. A schematic plan to demonstrate how stormwater will be collected on the site and discharged to Council's stormwater drainage system, to the requirements of Darwin City Council.

6. The provision of a landscaping plan for the ground level, which is to include a planting schedule specifying plant species, quantities, pot sizes and size at maturity for all plants to be provided on site, with specific consideration given to screening to the northeastern and southeastern boundaries.
7. Details of the screening to the balconies and windows, as identified on the submitted floor plans, with an emphasis on the potential impacts on the adjoining residential properties.
8. Details of the various treatments of the boundary walls to the northeastern and southeastern boundaries, with particular consideration given to the adjoining residential properties.
9. Information with regard to the ability to set the basement further into the ground, thus bringing the ground level commercial component to grade thereby improving the presentation and interface to the street, and reducing the overall height of the building in the context of the surrounding 1 and 2 storey buildings.
10. Information with regard to the exact locations of air conditioning condensers for the commercial tenancies of the development located away from adjoining residential properties.
11. Information with regard to the potential to provide additional screening to the pool area to prevent loss of privacy for adjoining residential properties due to overlooking.

#### REASONS FOR THE DECISION

1. The building component closest to Lot 569 could potentially be shifted .5 metres away from the adjoining residential property in order to reduce any impacts from building massing. Information is required from the applicant in regard to the impact such a redesign could potentially have on other aspects of the development (and the streetscape).
2. Confirmation is requested from the Department's *Public Transport* division as the amount of traffic using the proposed development will likely be well above that of the most recent use on Lot 7625, and the close proximity of the bus stop on the southern side of Ryland Road to the proposed crossover could potentially impact on sight lines.
3. Resolution of the provision of parking bays within the Nightcliff Road verge needs to occur as Darwin City Council does not support the use of the public road reserve for parking associated with this private development.
  - (a) It is noted that if the acceptability of these spaces is given by Council, that the provision of one (1) of the bays for disabled access is recommended as it is considered necessary that a minimum of one parking bay be provided in an easily accessible location.

4. A waste management plan is required to ensure that the site can be appropriately serviced by Darwin City Council's waste collection vehicles. This matter is to be resolved prior to a rehearing by the DCA as it has the potential to alter the plans.
5. Council requires a stormwater drainage plan to confirm that it is technically feasible to collect stormwater on the site and dispose of it into Council's stormwater drainage system, and that stormwater will not sheet-flow into the road reserve or onto adjoining properties.
6. An adequate landscaping plan is required to ensure that the appearance of this space is acceptable, giving particular consideration to the amenity of abutting residential premises.
7. Details of the screening indicated on the plans is required to ensure adequate privacy between the proposed units and the existing residential dwellings to the northeast and southeast.
8. Details of the treatments to be provided to the boundary walls are required to ensure that they will be acceptable in terms of aesthetics and privacy, with special consideration given to the neighbouring residential premises.

#### **ACTION**

Advice to Applicant

**ITEM 2**  
**PA2011/0192**  
**APPLICANT**

**16 X 3 BEDROOM SINGLE STOREY MULTIPLE DWELLINGS**  
**LOT 9327 (125) DICK WARD DRIVE, TOWN OF NIGHTCLIFF**  
**MICHAEL MAKRYLOS**

DAS tabled an addendum concerning a late response received from Darwin City Council (DCC).

Applicants Michael Makrylos and Gina Makrylos attended the meeting and tabled Darwin City Council comments, Irwin Consult letter, Aircraft Noise Intrusion Assessment, Elevation plans and Proposed Courtyard Residences Scheme plan.

**RESOLVED**  
**85/11**

That, the Development Consent Authority vary the requirements of clause 6.5.3 (Parking Layout) and clause 7.3.2 (Distance between Residential Buildings on One Site) of the NT 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 9327 (125) Dick Ward Drive, Town of Nightcliff for the purpose of 16 x 3 bedroom multiple dwellings in 16 single storey buildings, in 2 stages, subject to the following conditions:

#### **CONDITIONS PRECEDENT**

1. 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) provision of a minimum 100 m<sup>2</sup> of private open space, including an area of minimum 5m x 5m for dwellings 5 & 8 as required by part 5(iv) of schedule SD33 (Specific Use Darwin 33) of the NT Planning Scheme;
  - (b) the plans notated to specify finished floor levels of all dwellings to be a minimum of 5.6m AHD; and
  - (c) provision of dimensioned and scaled plans, with all plans being consistent with each other.
- 2. Prior to endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a schematic plan demonstrating all stormwater to be collected on the site and discharged underground to Council's, Department of Lands and Planning, or Department of Natural Resources, Environment, the Arts, and Sport stormwater drainage system as the case may be, to the requirements of that organisation, to the satisfaction of the consent authority.
  - 3. Prior to the endorsement of planes and prior to the commencement of works (including site preparation), information with regard to traffic management measures to be implemented to ensure only left in – left out turning movements to and from Dick Ward Drive, are to be provided to the satisfaction of the consent authority, with consideration given for the construction of a slip lane in consultation with Darwin City Council. Plans must be provided demonstrating restrictions for left in left out movements only, and showing swept paths movements at this intersection acceptable to Darwin City Council, to the satisfaction of the consent authority.
  - 4. Prior to the endorsement of planes and prior to the commencement of works (including site preparation), confirmation must be provided from Darwin City Council that waste collection vehicles can adequately service the development, to the satisfaction of the consent authority.

#### **GENERAL CONDITIONS**

- 3. Works carried out under this permit shall be in accordance with the plans endorsed as forming part of this permit.
- 4. Storm water is to be collected and discharged into the drainage network to the technical standards of and at no cost to Darwin City Council, to the satisfaction of the consent authority.
- 5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities, and electricity to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

6. 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.
7. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Darwin City Council, to the satisfaction of the consent authority.
8. 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 City of Palmerston to the satisfaction of the consent authority.
9. Before the use or occupation of the development starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
  - (a) constructed;
  - (b) properly formed to such levels that they can be used in accordance with the plans;
  - (c) surfaced with an all-weather-seal coat;
  - (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 driveways;to the satisfaction of the consent authority.  
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
10. The car parking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their visitors.
11. 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.
12. 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.
13. 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.
14. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
15. All air conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring

properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.

16. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council to the satisfaction of the consent authority.
17. Prior to occupation of each stage of the development, a certified report by a qualified acoustic consultant must be submitted confirming that each dwelling incorporates aircraft noise mitigation measures that would produce night time indoor design sound levels not exceeding 50 Db(a) in bedrooms and 55 Db(a) in other habitable rooms, 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 to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/ or surrounding infrastructure.
2. The developer is to contact Service Stream on 1800 773 776 or [Commercial.leadin@servicestream.com.au](mailto:Commercial.leadin@servicestream.com.au) prior to any work commencing to facilitate the installation of the Telstra Network.

#### REASONS FOR THE DECISION

1. The proposed development is consistent with the purpose of schedule SD33 (Specific Use Darwin 33) which is to facilitate the development and use of the land as a residential estate for a maximum of 16 dwellings.
2. A requirement for amended plans showing a minimum 5m x 5m area of private open space for dwellings 5 & 8 is considered necessary as insufficient justification for a variation to this requirement has been provided by the applicant.
3. The requirements for amended plans showing minimum finished floor levels is considered necessary to ensure dwellings are constructed in accordance with the requirements of part 5(ii) of schedule SD33 (Specific Use Darwin 33) of the NT Planning Scheme.
4. The requirement for all plans to be dimensioned and scaled is considered necessary to the inconsistencies between the plans under consideration.
5. A variation to clause 6.5.3 (Parking Layout) for a two-way accessway width of 5.5 instead of 6m is supported in this instance as the 5.5m width complies with the relevant Australian Standard AS/NZS 2890.1:2400 and therefore considered satisfactory in providing for convenient and functional car parking and vehicle access.

6. A variation to clause 7.3.2 (Distance between Residential Buildings on One Site) is considered satisfactory as the reduced distances between buildings are considered minor and should still achieve the overall objectives of clause 7.3 (Building Setbacks of Residential Buildings) which include to minimise building massing and to encourage breeze penetration through and between buildings.
7. The requirement for traffic management measures to be implemented to ensure left in – left out turning movements only are is necessary to ensure there are no adverse impacts on traffic safety along Dick Ward Drive as the result of the proposed development.
8. Confirmation from Darwin City Council that waste collection vehicles can adequately service the development is necessary to ensure that waste from the development can be efficiently removed.

#### **ACTION**

Notice of consent and development permit

**ITEM 3**  
**PA2011/0144**

**UPGRADE OF EXISTING COMMUNITY CENTRE, INCLUDING  
CULTURAL DISPLAY AREA**

**APPLICANT**

**LOT 1369 (92) CAVENAGH STREET, TOWN OF DARWIN  
MICHAEL ALAKIOTIS**

Michael Alakiotis (applicant) and John Nicolakis (President of the Greek community) attended the meeting.

**RESOLVED**  
**86/11**

That the Development Consent Authority vary the requirements of clause 6.3.3 (Urban Design Requirements in Central Darwin) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop lots 1369 and 5710 Cavenagh Street, Town of Darwin for the purpose of an upgrade of the existing community centre including cultural display area, subject to the following conditions:

#### **CONDITION PRECEDENT**

1. Prior to endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to obtain approval from Power and Water Corporation for development on/ over its easement or otherwise as required by Power and Water Corporation, to the satisfaction of the consent authority.
2. Prior to the commencement of works (including site preparation) a full set of amended plans 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 must be provided, and be generally in accordance with the plans submitted with the application but modified to show removal of the reference to 'proposed museum' on the floor plan, to be replaced with 'cultural display area', to the satisfaction of the consent authority.

## GENERAL CONDITIONS

3. Works carried out under this permit shall be in accordance the plans 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 facilities and electricity and telecommunications services to the land shown on the endorsed plan in accordance with the authorities' requirements.
6. Stormwater is to be collected and discharged into the drainage network to the technical standards of, and at no cost to, the Department of Lands and Planning, to the satisfaction of the consent authority.
7. 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.
8. The loading/ unloading of goods from vehicles must only be carried out on the land, and must not disrupt the circulation and parking of vehicles on the land.

## 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.

## REASONS FOR THE DECISION

1. The upgrade to the existing community centre on Lot 1369 (92) Cavenagh Street, Town of Darwin is in line with the primary purpose of Zone CB, being to "provide for a diversity of activities including administrative, judicial, professional, office, entertainment, cultural, residential and retail, and other business activities, with a commitment to the separation of incompatible activities".
2. A variation to the requirements of clause 6.3.3 (Urban Design Requirements in Central Darwin) is considered acceptable as the building is largely existing and the inclusion of awnings to the street frontage and covered pedestrian linkages from Cavenagh Street to Daly Street would be largely impractical, as permitted through subclause 3. In addition, while all carparking is at ground level, this has been in place for a

considerable period of time and it is noted that there is landscaping around the perimeter of the site.

3. The development will see improved weather coverage, with verandahs/awnings extending around the perimeter of the community centre and a new covered link between the church and the community centre, increasing its useability.

**ACTION**

Notice of Consent and Development Permit

**ITEM 4**

**EXTENSIONS TO AN EXISTING SINGLE DWELLING WITH REDUCED FRONT AND SIDE SETBACKS**

**PA2011/0211  
APPLICANT**

**LOT 7441 (81) HENBURY AVENUE, TOWN OF NIGHTCLIFF  
JENENE MITCHELL**

DAS tabled an addendum concerning a late submission received from Darwin City Council.

Applicants Jenene Mitchell and Anthony Mitchell attended the meeting

**RESOLVED  
87/11**

That the Development Consent Authority vary the requirements of clause 7.3 (Building Setbacks of Residential Building) of the NT Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to development of Lot 7441 (81) Henbury Avenue, Town of Nightcliff, subject to the following conditions:

**CONDITION PRECEDENT**

1. That prior to the endorsement of plans, and prior to commencement of works (including site preparation), notification of the affected neighbours at Lots 7440 and 7228 Town of Nightcliff shall be carried out to ensure they are aware of the dimensions of the proposed garage/guest room. To facilitate this Development Consent Authority will circulate the proposal, including dimensioned plans, to the affected neighbours. Neighbours will have two weeks to comment on the proposal. In the absence of a comment the Development Consent Authority will proceed with the endorsement of plans.

**GENERAL CONDITIONS**

2. The works carried out under this permit shall be in accordance with the plans endorsed as forming part of this permit.
3. A schematic plan is to be provided, demonstrating that all stormwater can be collected on the site and discharged underground to Council's stormwater drainage, to the requirements of Darwin City Council. This plan is to include details of site levels and stormwater drain connection points within the vicinity of the site.

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.

#### **NOTE**

1. This development permit does not grant "building approval" for the proposed structure. The Building Code of Australia requires that any structure 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.

#### **REASONS FOR RECOMMENDATION**

1. The proposal is consistent with the purpose of Zone SD (Single Dwelling) which is 'to provide for single dwellings on individual lots.'
2. A variation to Clause 7.3 (Building Setbacks for Residential Buildings) is supported for the proposed carport as neighbours have indicated support for the proposal, and it is not considered to impact upon the streetscape nor unduly over look the street given the existence of significant existing screening vegetation along the street boundary. Further, the open sided nature of the proposed carport is not considered to contribute to building massing and will allow the continuation of existing breeze flows.
3. A variation to Clause 7.3 (Building Setbacks for Residential Buildings) is supported for the proposed guest room/storage as neighbours support the proposed development and as:
  - a. The proposed guest room/storage shed is not considered to impact on the streetscape as it is located at the rear of the property; and
  - b. The proposed guest room/storage shed is not considered to unduly overlook neighbouring properties as there are no openings to either of the affected neighbouring properties.
4. Due to the application including a reduced front setback the proposal was placed on public exhibition rather than the proposal, including plans, being sent to the affected neighbours. Given the unusual height of the proposed guest room/storage shed and the zero side and rear setbacks proposed for the guest room/storage shed the Development Consent Authority consider it prudent to distribute a copy of the application including dimensioned plans for comment to the affected neighbours prior to the endorsement of plans. Hence, the neighbours will have been given the opportunity to voice any objections to the proposal during discussions with the applicant, during the two week public exhibition period for the proposal and directly by the Development Consent Authority prior to the endorsement of plans.

#### **ACTION**

Notice of Consent and Development Permit

ITEM 5  
PA2011/0166

28 X 2 BEDROOM AND 42 X 3 BEDROOM MULTIPLE DWELLINGS WITH  
GROUND LEVEL COMMERCIAL SPACE IN AN 8 STOREY BUILDING, PLUS 3  
LEVELS OF BASEMENT CAR PARKING  
LOT 1532 (39) CAVENAGH STREET, TOWN OF DARWIN  
APPLICANT RANDAL ASHFORD

DAS tabled an addendum as the applicant submitted additional information in response to clause 6.3.2 (Volumetric Control in Central Darwin) of the NT Planning Scheme.

Randal Ashford (Rad Designs) and Mathew Tomazos attended the meeting and tabled colour plans of the proposed mixed use development.

RESOLVED  
88/11

That, the Development Consent Authority reduce the car parking requirement from 132 bays to 131 bays pursuant to clause 6.5.2 (Reduction in Parking Requirements) of the NT Planning Scheme, and vary the requirements of 6.3.2 (Volumetric Control in Central Darwin), clause 6.3.3 (Urban Design Requirements in Central Darwin), clause 7.5 (Private Open Space) and clause 7.6 (Communal Open Space) of the NT 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 1532 (39) Cavenagh Street, Town of Darwin for the purpose of 28 x 2 and 42 x 3 bedroom multiple dwellings with ground level commercial space (shop/ office/ restaurant) in an 8 storey building plus 3 levels of basement car parking, subject to the following conditions:

#### CONDITIONS PRECEDENT

1. 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) car parking space Nos. 130 to 132 provided with a minimum height clearance of 2.2m as required by Australian Standard AS/NZS 2890.1:2004 – Parking Facilities;
  - (b) a roof plan showing all roof top plant and services, and designed, located and integrated to minimise their visual impact to the surrounding area;
  - (c) any changes to the ground floor layout as a result of Power and Water Corporation's requirements in respect to electricity supply; and
  - (d) any changes to the development as a result of the waste management plan and traffic impact assessment required by conditions 2 and 3 (respectively) of this permit.
2. Prior to endorsement of plans and prior to the commencement of works (including site preparation works), the applicant must prepare a waste management plan for the disposal, storage and removal of all waste from the site, and in particular demonstrating suitable and adequate waste collection

vehicle access (including adequate height clearance) to the requirements of Darwin City Council, to the satisfaction of the consent authority.

3. Prior to endorsement of plans and prior to the commencement of works (including site preparation works), a Traffic Impact Study is to be prepared to the requirements of, and at no cost to, Darwin City Council, to the satisfaction of the consent authority.
4. Prior to endorsement of plans and prior to the commencement of works (including site preparation), a Traffic Management Plan (TMP) must be provided to the consent authority addressing, but not limited to, how the developer will manage the free flow of buses past the site during the construction period, as required by the Public Transport Division of the Department of Lands and Planning, to the satisfaction of the consent authority.
5. Prior to endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a schematic plan demonstrating all stormwater to be collected on the site and discharged underground to Council's stormwater drainage system, to the requirements of Darwin City Council and to the satisfaction of the consent authority.
6. Prior to endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to obtain written consent from Darwin City Council for all building elements which encroach into Council's road reserve, to the satisfaction of the consent authority.

#### GENERAL CONDITIONS

7. Works carried out under this permit shall be in accordance with the plans endorsed as forming part of this permit.
8. Before the use/ occupation of the development starts, all works identified within the Traffic Impact Study and Traffic management plan as required by conditions 3 and 4 (respectively) of this permit are to be undertaken to the requirements of, and at no cost to, Darwin City Council and the Public Transport Division of the Department of Lands and Planning as the case may be, to the satisfaction of the consent authority.
9. Before the use commences the owner must, in accordance with Part 6 of the *Planning Act*, pay a monetary contribution to Darwin City Council in accordance with Council's Developer Contribution Plans for Stormwater Drainage Works for Zone H, to the satisfaction of the consent authority.
10. Storm water is to be collected and discharged into the drainage network to the technical standards of and at no cost to Darwin City Council, to the satisfaction of the consent authority.
11. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, and electricity and telecommunication services to the land shown on the endorsed plan in

accordance with the authorities' requirements and relevant legislation at the time.

12. 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.
13. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Darwin City Council, to the satisfaction of the consent authority.
14. 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 Darwin City Council to the satisfaction of the consent authority.
15. Before the use or occupation of the development starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
  - (a) constructed;
  - (b) properly formed to such levels that they can be used in accordance with the plans;
  - (c) surfaced with an all-weather-seal coat;
  - (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 driveways;to the satisfaction of the consent authority.  
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
16. The car parking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their visitors.
17. Before the use commences the owner must, in accordance with Part 6 of the *Planning Act*, pay a monetary contribution to Darwin City Council in accordance with Council's Developer Contribution Plans for the loss of any on-street car parking spaces, to the satisfaction of the consent authority.
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. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

20. All balconies are to be internally drained and discharge is to be disposed of at ground level and in a manner consistent with stormwater disposal arrangements for the site to the satisfaction of the consent authority.
21. All air conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
22. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council to the satisfaction of the consent authority.

#### **NOTES:**

1. The Developer is to contact Service Stream on 1800 773 776 or Commercial.leadin@servicestream.com.au prior to any work commencing to facilitate the installation of Telstra Network.
2. 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.
3. Notwithstanding the approved plans, any proposed awning or building structure (within Council's road reserve) is subject to Council's approval and shall meet all Council's requirements to the satisfaction of the General Manager or Infrastructure, Darwin City Council and at no cost to Council.

#### **1. REASONS FOR THE RECOMMENDATION**

1. The proposed development is consistent with the purpose of Zone CB (Central Business) which is to 'provide for a diversity of activities including administrative, judicial, professional, office, entertainment, cultural, residential and retail and other business activities with a commitment to the separation of incompatible activities'.
2. A variation to clause 6.3.2 (Volumetric Control in Central Darwin) for a reduction in setbacks for Tier 2 is supported as
  - (i) a reduced ground level, commercial floor height (from 5m to 3m), although achievable, thereby leaving only architectural embellishments above 25m, is considered to result in a significantly reduced level of amenity to the interface between the commercial ground level and the public realm, and result in a less than optimum outcome from that currently proposed and envisaged by clause 6.3.3 (Urban Design Requirements in Central Darwin) of the NT Planning Scheme;

- (ii) any requirement for the top floor to be setback in accordance with this clause would result in a building with adverse visual impact on the streetscape and wider surrounding area; and
  - (iii) the deletion of the top floor would result in an underutilisation of the site and contrary to intent of clause 4.2 (Darwin Region) of the NT Planning Scheme which aims to maximise existing development options.
3. A variation to clause 6.3.3 (Urban Design Requirements in Central Darwin) for a reduced length of active interface at ground level along the Edmunds Street frontage satisfactory as the provision of the required 75% length is considered impractical in this instance.
  4. A reduction of 1 car parking space (from 132 to 131) based on 1 parking bay for every 3 motorcycle bays (to a maximum of 5 motorcycle bays) is considered warranted as it provides legitimate parking opportunities in appropriate sized bays which will reduce demand for full sized car parking spaces to be used.
  5. A variation to clause 7.5 (Private Open Space) of the NT Planning Scheme is considered satisfactory as the connections between the balcony areas and appurtenant living room are designed to largely result in an extension of the open space into the appurtenant living rooms.
  6. A variation to clause 7.6 (Communal Open Space) of the NT Planning Scheme is considered satisfactory as the development provides for indoor communal swimming pool and gymnasium which provides similar recreational opportunities.
  7. The requirement for amended plans showing additional height clearance for car parking space numbers 130 to 132 will ensure that all car parking spaces are functional as required by clause 6.5.3 (Parking Layout) of the NT Planning Scheme.
  8. The requirement for amended plans showing roof top services is considered necessary to minimise their visual impact on the surrounding area, and to ensure their integration as required by part 2(g) of clause 6.3.3 (Urban Design Requirements in Central Darwin) of the NT Planning Scheme.
  9. The requirement for amended plans showing any design modifications as a result of any requirements of the waste management plan, traffic impact study and Power and water Corporation requirements is considered necessary to ensure all modifications are encapsulated in the final plans submitted for endorsement as part of any development permit issued.
  10. The use of glass balustrades is considered integral to the design of the building serving to effectively lighten the visual mass of the building.

11. The modernist architectural façade treatment is noted, and it is considered that the separated (floating) angled and cube shaped elements are integral to the effectiveness of this design, and visual presentation to the public realm.

## **ACTION**

Advice to Applicant

**ITEM 6  
PA2010/1404**

**EXTENSION OF AN EXISTING BED AND BREAKFAST TO CATER FOR A  
MAXIMUM OF 12 GUESTS**

**APPLICANT**

**LOT 2601 (2) TODD CRESCENT, TOWN OF SANDERSON  
MASTERPLAN NT**

Brad Cunnington (MasterPlan) attended the meeting along with Alan and Heather Beale (owners), and tabled neighbour support letters from all three neighbours.

**RESOLVED  
89/11**

That the Development Consent Authority determine to vary the requirements of Clause 6.5.3 (Parking Layout), Clause 7.3 (Building Setbacks of Residential Buildings) and 7.10.1 (Bed and Breakfast Accommodation) of the Northern Territory Planning Scheme, and pursuant to Section 53(b) of the *Planning Act*, alter the application and consent to the application as altered to use and develop Lot 2601 (2) Todd Crescent, Town of Sanderson for the purpose of 'alterations to an existing carport with a reduced front setback and extension of an existing bed and breakfast to cater for a maximum of 12 guests', subject to the following conditions:

### **CONDITION PRECEDENT**

1. Prior to the commencement of the use and works (including site preparation) a full set of amended plans 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 must be provided, and be generally in accordance with the plans submitted with the application but modified to show:
  - (a) Specific details of the signage to be used around the site to direct guests to the requirements of this permit and the Operational Management Plan, Car Parking Management Plan, Boat Parking Management Plan and Noise Management Plan. Details are to include wording and location of sign;
  - (b) The Car Parking Management Plan amended to refer to 6 on site car parking spaces to be provided; and
  - (c) A plan showing the relocation of the carport post including a quantified setback to Todd Crescent.

### **GENERAL CONDITIONS**

2. Works carried out under this permit shall be in accordance the plans endorsed as forming part of this permit.
3. The use and/or development as shown on the endorsed plans must not be altered without the further consent of the consent authority.

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 facilities and electricity to the land shown on the endorsed plan in accordance with the authorities' requirements.
6. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council to the satisfaction of the consent authority.
7. Storage for waste disposal bins is to be located so as to prevent any adverse effect on adjoining land to the satisfaction of the consent authority.
8. The use of the elevated sundeck may only be used between the hours of 7:00am to 9:30pm Sunday through to Thursday and 7:00am to 11:00pm on Friday and Saturday.
9. The use of the ground floor barbeque area may only be used between the hours of 7:00am to 10:00pm Sunday through to Thursday and 7:00am to 12:00am on Friday and Saturday.
10. The use of the swimming pool may only be used between the hours of 7:00am to 9:00pm Sunday through to Thursday and 7:00am to 10:00pm on Friday and Saturday.
11. No more than 12 guests (including children) are to be provided with accommodation on the premises without the further consent of the consent authority.
12. No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.
13. All air conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
14. No goods are to be stored or left exposed outside the buildings so as to be visible from any public street.
15. Storm water is to be collected and discharged into the drainage network to the technical standards of and at no cost to Darwin City Council, to the satisfaction of the consent authority.
16. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of, and be at no cost to the Darwin City Council, to the satisfaction of the consent authority.

17. Before the use or occupation of the development starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
  - (a) constructed;
  - (b) properly formed to such levels that they can be used in accordance with the plans;
  - (c) surfaced with an all-weather-seal coat; and
  - (d) drained;to the satisfaction of the consent authority.
18. The car parking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and be made available for use in accordance with the endorsed car parking plan.
19. No boats associated with the fishing charter business are to be stored at 2 Todd Crescent for a period in excess of 2 days per calendar month (with a limit of 1 boat at a time) to the satisfaction of the consent authority.
20. The location and details of the signs, as shown on the endorsed plans, must not be altered without the further consent of the consent authority.
21. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the consent authority.
22. 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.

**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 development and use hereby permitted should be designed, constructed, registered and operate in accordance with the Building Code of Australia, the NT Public Health Act and Regulations, the NT Food Act and National Food Safety Standards.
3. Notwithstanding the approved plans, all signage is subject to Darwin City Council approval, at no cost to Council.

## REASONS FOR DECISION

1. The application has detailed that the primary purpose of the site will remain a single dwelling. This is in accordance with the primary purpose of Zone SD (Single Dwelling Residential).
2. The application details that the scale of the proposed use is similar to that which would be expected in a 'neighbourhood' level. In addition the application has provided an Operational Management Plan, Car Parking Management Plan, Boat Parking Management Plan and Noise Management Plan which promote operation measures which will ensure the use is undertaken in such a manner to restrict adverse amenity impacts on the adjoining land and nearby property.
3. The consent authority has determined to vary the guest number limit contained in Clause 7.10.1 of the Northern Territory Planning Scheme as it has been demonstrated that the use can be operated without adversely affecting the residential amenity of the adjoining land and nearby property.
4. Conditions relating to the operational limits of the use have been included to ensure that the use is operated in such a manner which restricts adverse amenity impacts on the locality.
5. Specific details of the signage to be displayed on the site are required to ensure that where possible adequate information is provided to guests in relation to the operation measures of the use.
6. Pursuant to section 51(e) of the *Planning Act*, the consent authority has considered submissions made in relation to the application. It has been assessed that in light of the reduced guest numbers and operational constraints placed on the use via conditions, the submitters concerns have been addressed.
7. Darwin City Council's concerns in relation over development of the site and car parking have been addressed by the applicant amending the proposal to remove the construction of additional bedrooms and reducing the number of guests.

## ACTION

Notice of Consent and Development Permit

ITEM 7

**SUPPORTING ACCOMMODATION DEVELOPMENT COMPRISING 92 X 1 BEDROOM SUITES WITHIN A 9 STOREY BUILDING (INCLUSIVE OF A SINGLE LEVEL OF BASEMENT CAR PARKING).**

**PA2011/0003  
APPLICANT**

**LOT 1407 (3) MANTON STREET, TOWN OF DARWIN  
ETHAN AFFORDABLE HOUSING**

DAS tabled a late submission made by a previous submitter Christopher Copas outlining concerns for the proposed development.

Ashley Fenn (Ethan Affordable Housing) attended the meeting.

Submitters Janet Durling and Mike Butler attended the meeting.

**RESOLVED  
90/11**

That, the Development Consent Authority vary the requirements of clause 6.3.3 (Urban Design Requirements in Central Darwin), clause 6.5.3 (Parking Layout) and clause 7.5 (Private Open Space) of the NT 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 1407 (3) Manton Street, Town of Darwin for the purpose of 94 x 1 bedroom supporting accommodation suites within an 8 storey building plus carparking, subject to the following conditions:

**CONDITION PRECEDENT**

1. Prior to the commencement of works (including site preparation), the applicant is to provide confirmation from a nationally recognised social services provider with significant experience in managing supporting accommodation developments of a similar type and scale that they will be the body responsible for the management and operation of the development, to the satisfaction of the consent authority.
2. Prior to the commencement of works (including site preparation) a full set of amended plans 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 are to be drawn to scale with dimensions provided, and be generally in accordance with the plans submitted with the application but modified to show a minimum of 23 carparking spaces (and access aisles) meeting the dimensional and manoeuvring requirements of clause 6.5.3 (Parking Layout) of the NT Planning Scheme below ground level. In accordance with section 70(3) of the *Planning Act* 25 car parking spaces must be provided. In accordance with section 70(5) of the Act, 2 of these required parking bays may be provided through the payment of a monetary contribution to the Darwin City Council. The contribution is to be calculated in accordance with the requirements of section 70(6) of the Act.
2. Prior to endorsement of the plans and prior to commencement of works (including site preparation), turning templates or confirmation from a suitably qualified professional that a standard length ambulance can adequately manoeuvre through the porte-cochere is to be provided, to the satisfaction of the consent authority.

3. Prior to endorsement of plans and prior to commencement of works (including site preparation), confirmation from Power and Water Corporation that the sewer easement has been appropriately relocated or extinguished is to be obtained. Prior to the commencement of works the sewer service to Lots 1406, 1407 and 5401 needs to be redirected to the sewer main on Manton Street at the developer's expense. This is to be undertaken to the requirements of Power and Water Corporation, to the satisfaction of the consent authority.
  - (a) Following extinguishment or relocation of Power and Water Corporation's sewer easement, a new survey plan will need to be registered with the Land Titles Office and issued to the consent authority.
4. Prior to endorsement of plans and prior to commencement of works (including site preparation), the applicant is to prepare a schematic plan demonstrating all stormwater to be collected on the site and discharged underground to Council's stormwater drainage system, to the requirements of Darwin City Council and to the satisfaction of the consent authority.
5. Prior to the commencement of works (including site preparation) a full set of amended plans 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 are to be drawn to scale with dimensions provided, and be generally in accordance with the plans submitted with the application but modified to show locations of all substation, fire booster, and water meter arrangements, and details showing the enclosure or screening of all these servicing arrangements to soften the visual impact of such infrastructure on the streetscape to ensure that the infrastructure is sympathetic to, and blends in with, the design of the building. Details will need to be resolved in consultation with the Power and Water Corporation and the NT Fire and Emergency Services, as the case may be, to the satisfaction of the consent authority.

#### **GENERAL CONDITIONS**

6. Works carried out under this permit shall be in accordance the plans endorsed as forming part of this permit.
7. 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.
8. The development is to be managed in accordance with an Operational Management Plan at all times. The plan shall include (but not be limited to) the following matters:
  - a. A strategy for the safe exit of residents and staff in the event of an emergency or power outage;
  - b. A strategy to ensure there is no adverse impact on the surrounding area due to noise from the development;

- c. A strategy to ensure there is no adverse impact on the amenity of the surrounding area due to any parking issues associated with the development;
- d. A policy which ensures that the development remains drug and alcohol free;
- e. A policy to ensure there is no loitering outside of or around the building;
- f. A building maintenance plan to ensure the development has no adverse impact on the visual amenity of the area;
- g. A policy to ensure there is no adverse impact on the amenity of the surrounding area from anti-social behaviour arising from the residents of the development or their guests; and
- h. A complaints management procedure including timeframes for responding to complaints and persons responsible for investigating and resolving complaints.

The Operational Management Plan is to be enforced at all times by the registered service provider responsible for the operation of the facility.

- 9. A register of complaints and responses (including all mitigation measures taken or implemented) shall be kept and made available to the DCA upon request.
- 10. An on-site manager shall maintain residence within the development at all times, and be readily contactable in the event of breach of the management plan required via condition 9 above.
- 11. Drug and alcohol programs are not to be run at any time on the site.
- 12. Access is to be provided, in accordance with Australian Standard AS 1428, to the foyer, dining area, common toilets and change rooms.
- 13. Before the use commences the developer/ owner must, pay a monetary contribution to Darwin City Council in accordance with Council's Carparking Contribution Plan in lieu of any on-street carparking spaces removed as a result of this development, to the satisfaction of the consent authority.
- 14. Before the use commences the developer/ owner must, in accordance with Part 6 of the *Planning Act*, pay a monetary contribution to Darwin City Council in accordance with Council's Developer Contributions Plans for Stormwater Drainage Works for Darwin Zone H, to the satisfaction of the consent authority.
- 15. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of, and be at no cost to Darwin City Council, to the satisfaction of the consent authority.
- 16. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to Darwin City Council, to the satisfaction of the consent authority.
- 17. 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, Darwin City Council, and to the satisfaction of the consent authority.

18. Before the use or occupation of the development starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
  - (e) constructed;
  - (f) properly formed to such levels that they can be used in accordance with the plans;
  - (g) surfaced with an all-weather-seal coat; and
  - (h) drained;to the satisfaction of the consent authority.  
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
19. 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.
20. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
21. 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.
22. 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.
23. All air-conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed to ground level in a controlled manner to the satisfaction of the consent authority.
24. All balconies are to be internally drained and discharge is to be disposed of at ground level and in a manner consistent with stormwater disposal arrangements for the site to the satisfaction of the consent authority.
25. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council, to the satisfaction of the consent authority.

#### NOTES:

1. PAWC advise that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and the 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 servicing requirements and the need for upgrading of infrastructure.

2. The applicant's attention is brought to the merits of universal design, and it is recommended that consideration be given to such features.

## REASONS FOR THE DECISION

1. The proposal is consistent with the primary purpose of Zone CB (Central Business), which is, "to provide for a diversity of activities including administrative, judicial, professional, office, entertainment, cultural, residential and retail and other business activities, with a commitment to the separation of incompatible activities".
2. A variation to clause 6.3.3 is supported as the inclusion of awnings is not considered necessary as Manton Street is not a main pedestrian thoroughfare and possesses few commercial uses that would likely see an increase in such activity.
3. A variation to clause 6.3.3 is supported for a reduced level of active street frontage as it is recognised that there are constraints resulting from the differing requirements of service authorities, all of which are necessary in order for the development to proceed and function, and that the inclusion of an electricity substation, fire exit, water meter, vehicular entrance to the basement parking, and a porte-cochere, will necessarily mean non-compliance with this control.
4. A variation to clause 7.5 is supported as it is recognised that the requirements are not as applicable for such a development whereby occupants are unlikely to reside for a long term, with the development presenting an emphasis on care and transition as opposed to independent living.
5. It is necessary for the carparking area to satisfy the dimensional and manoeuvring requirements of clause 6.5.3 (Parking Layout) as no special circumstances exist to permit a lesser standard than that given in the NT Planning Scheme, especially in light of the development being for a supporting accommodation use. The consent authority is aware that this may result in the provision of an additional basement level. Payment for a shortfall of 2 car parking spaces to Darwin City Council off-site is acceptable as it supports efficiency of car parking provision.
6. The ability for the development to provide unhindered ambulance access is considered necessary for a supporting accommodation development.
7. A management plan is necessary to ensure certainty among existing residents in the surrounding area, and for future occupants and staff, that procedures exist for recognising and addressing complaints and conduct issues relating to the development.
8. It is necessary that the sewer easement at the rear of the site be extinguished or relocated as without such confirmation the development will not be able to proceed without significant redesign. As the

responsible authority, this is to be undertaken to the requirements of the Power and Water Corporation, with legal verification given via the issue of a revised survey plan.

9. Confirmation that the building will be managed and operated by a nationally recognised social services provider gives assurances to the future residents, the community and the consent authority that the development will operate in a professional manner and as per the development permit.
10. It is a requirement that the listed facilities on the ground floor be constructed in accordance with Australian Standard AS 1428 to ensure that these spaces can be used by both able-bodied and disabled residents, something which is considered necessary due to the increased likelihood that the development will accommodate a significant number of elderly or less mobile tenants.

**ACTION**

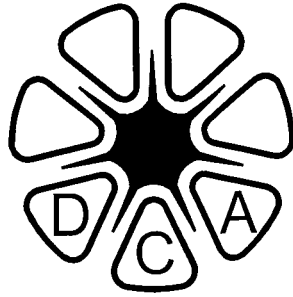
Notice of Consent and Development Permit

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



**PETER MCQUEEN**  
Chairman

16/5/11



# **DEVELOPMENT CONSENT AUTHORITY**

## **DARWIN DIVISION**

### **MINUTES**

**MEETING No. 168 – FRIDAY 20 MAY 2011**

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

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

**APOLOGIES:** Heather Sjoberg

**OFFICERS PRESENT:** Mone Coats-Ross (Acting Secretary), Hanna Stevenson, Peter Sdrauilg and for part of the meeting Israel Kgosiemang and Steven (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Nil

**Meeting opened at 9.45 am and closed at 12.25 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**                      **2 STOREY SINGLE DWELLING EXCEEDING THE HEIGHT LIMITATION ON THE**  
**PA2011/0198**            **PLAN ENDORSED FOR ZONE SD20 (SPECIFIC USE DARWIN NO. 20)**  
**APPLICANT**            **LOT 7785 (81) RUDDICK CIRCUIT, TOWN OF DARWIN**  
**ANDY MATHEWSON VANTAGE HOMES**

Applicant Andy Mathewson (Vantage Homes) attended the meeting and tabled supporting documents

Submitters Traci Lew Fatt and James McCormack attended the meeting

**RESOLVED**  
**92/11**

That, pursuant to section 46(4)(b) of the Planning Act, the Development Consent Authority defer consideration of the application to develop Lot 7785 (81) Ruddick Circuit, Town of Darwin for the purpose of a two (2) storey single dwelling to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

1. Amended plans reducing the overall height of the proposed dwelling to a height consistent with the adjoining developments.
2. In relation to the amended plans, special circumstances are to be provided by the applicant which demonstrate the reasons to support a two storey dwelling in a location identified as being single storey only. The special circumstances should be specific to the subject site.
3. Information to the satisfaction of the consent authority demonstrating:
  - why the proposed use of the property should be approved, having consideration for Clause 6.14 (Land Subject to Flooding and Storm Surge) of the NT Planning Scheme, which states that residential uses should be avoided in the PSSA and the SSSA; and
  - Details of the storm surge heights within the Secondary Storm Surge Areas (SSSA) that affects the subject site in relation to the finished floor level of the proposed development. Regard should be had to sub-clause 5(b) of Clause 6.14 (Land Subject to Flooding and Storm Surge) which states that the minimum floor level of habitable rooms should be 300mm above the flood level for the site.

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

1. The amended plans reducing the overall height of the building will ameliorate the potential impacts of the two storey dwelling.
2. Special circumstances are required in order to justify the construction of a two storey dwelling in a single storey area.

3. The further information requested in relation to storm surge will enable a proper assessment against Clause 6.14 (Land Subject to Flooding and Storm Surge).

### **ACTION**

Advice to applicant

**ITEM 2**  
**PA2011/0196**  
**APPLICANT**

**7 X 3 BEDROOM MULTIPLE DWELLINGS IN 5 X 2 STOREY BUILDINGS**  
**LOT 5287 (20) ROSS SMITH AVENUE, TOWN OF DARWIN**  
**TROPPO ARCHITECTS**

Applicants Lena Yali (Troppo Architects) and Gus Mattarazzo (Builder) attended the meeting.

**RESOLVED**  
**93/11**

That, the Development Consent Authority vary the requirements of clause 7.1 (Residential Density and Height Limitations) and clause 7.3 (Building Setbacks of Residential Buildings), and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 5287 (20) Ross Smith Avenue, Town of Darwin for the purpose of 7 x 3 bedroom double storey multiple dwellings in 5 buildings, subject to the following conditions:

### **CONDITION PRECEDENT**

1. Prior to the commencement of works (including site preparation), and prior to the endorsement of plans, a schematic plan demonstrating all stormwater to be collected on the site and discharged underground to Council's stormwater drainage system is to be submitted, to the requirements of Darwin City Council, to the satisfaction of the consent authority.
2. Prior to the commencement of works (including site preparation) a 'Traffic Management Plan' shall be prepared to the satisfaction of the Department of Lands and Planning's Public Transport Division that addresses the ongoing provision of public transport services during construction.

### **GENERAL CONDITIONS**

3. Works carried out under this permit shall be in accordance the plans 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 facilities and electricity and telecommunications services to the land shown on the endorsed plan in accordance with the authorities' requirements.

6. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of, and be at no cost to Darwin City Council, to the satisfaction of the consent authority.
7. The owner shall:
  - (a) remove disused vehicle and/ or pedestrian crossovers;
  - (b) provide footpaths/ cycleways;
  - (c) collect stormwater and discharge it to the drainage network; and
  - (d) undertake reinstatement works;all to the technical requirements of, and at no cost to, Darwin City Council, and to the satisfaction of the consent authority.
8. Before the use or occupation of the development starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
  - (a) constructed;
  - (b) properly formed to such levels that they can be used in accordance with the plans;
  - (c) surfaced with an all-weather-seal coat; and
  - (d) drained;to the satisfaction of the consent authority.  
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
9. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
10. 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.
11. Before the use/ occupation of the development commences, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
12. All air-conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed to ground level in a controlled manner to the satisfaction of the consent authority.
13. All balconies are to be internally drained and discharge is to be disposed of at ground level and in a manner consistent with stormwater disposal arrangements for the site to the satisfaction of the consent authority.
14. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council, to the satisfaction of the consent authority.

## NOTES:

1. The Power and Water Corporation advise that the water service to each of the detached units is to be multi-metered; this may also be suitable for some of the semi-detached dwellings, please contact Power and Water Corporation for further details.
2. The Power and Water Corporation advise that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and the 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 servicing requirements and the need for upgrading of infrastructure.
3. The developer is to contact Telstra's Service Stream on 1-800-773-776 or [Commercial.leadin@servicestream.com.au](mailto:Commercial.leadin@servicestream.com.au) prior to any work commencing to facilitate the installation of the Telstra Network.

## REASONS FOR THE DECISION

1. The development accords with the primary purpose of Zone MD (Multiple Dwelling Residential), being to "provide for a range of housing options to a maximum height of two storeys".
2. A schematic stormwater plan is required in order for the development to demonstrate that it is technically feasible to collect stormwater on the site and dispose of it into Council's stormwater drainage system, and to ensure that no stormwater will sheet-flow into the road reserve or onto adjoining properties.
3. A 'Traffic Management Plan' is to be provided to the satisfaction of the Department of Lands and Planning's Public Transport Division as the site is on an inbound services route and such a plan is required to ensure that bus routes are not detrimentally impacted during construction.
4. A variation to clause 7.1 (Residential Density and Height Limitations) of the Northern Territory Planning Scheme for the Type C2 buildings is supported as this is consistent with the relevant purpose of clause 7.1, "to ensure that residential development is of a height compatible with adjoining or nearby existing development or development reasonably anticipated", in light of the three further Type C2 buildings on the lots to the south approved through DP05/0435 and DP06/0179. As per the 'reasons for the decision' given on DP05/0435, "the height of the buildings is unlikely to have an adverse impact on the overall amenity of the development and surrounding area in terms of compatibility of scale".

A variation to clause 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme is supported as all non-compliances are minor and do not impact on the development's ability to achieve the purpose of the clause. The development shows considerable open areas and variety to the built form, will be compatible with the streetscape and surrounding developments, especially those constructed through DP06/0179, will not impact on overlooking in any way as it is only the first floor roof of the undercroft area to unit 1 that encroaches the 'residential building' setbacks, and will have no more than a negligible impact on massing or breeze penetration as all structures are open.

**ACTION**

Notice of Consent and Development Permit

**ITEM 3**  
**PA2011/0226**

**DEPENDANT UNIT TO AN EXISTING SINGLE DWELLING, AND SHED WITH A REDUCED SIDE SETBACK**

**APPLICANT**

**LOT 5574 (18) DORRIGO CRESCENT, TOWN OF SANDERSON**  
**MARIA TRIKILIS**

Applicant Michael Alakiotis attended the meeting on behalf of Maria Trikilis.

**RESOLVED**  
**94/11**

That, the Development Consent Authority vary the requirements of clause 6.11 (Garages and Sheds) and clause 7.10.4 (Dependent Units) of the NT Planning Scheme and pursuant to section 53(a) of the *Planning Act* consent to the application to develop Lot 5574 (18) Dorrigo Crescent, Town of Sanderson for the purpose of a dependent unit addition to an existing single dwelling and shed addition with a reduced side setback, subject to the following conditions:

**CONDITION PRECEDENT**

1. Prior to the commencement of works (including site preparation) a schematic plan is to be provided, demonstrating that all stormwater can be collected on the site and discharged, to the requirements of Darwin City Council. This plan is to include details of site levels and stormwater drain connection points within the vicinity of the site.

**GENERAL CONDITIONS**

2. The development carried out under this permit shall be in accordance with drawing numbers 2011/0226/1 and 2011/0226/2 endorsed as forming part of this permit.
3. Storm water is to be collected and discharged into the drainage network to the technical standards of and at no cost to Darwin City Council, to the satisfaction of the consent authority.

4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities, and electricity to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. 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.
6. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Darwin City Council, to the satisfaction of the consent authority.
7. The dependent unit hereby permitted must comply at all times with a dependent unit which is defined in the Northern Territory Planning Scheme as 'a dwelling ancillary to and constructed on the same site as a single dwelling for the purpose of providing accommodation for a dependent of a resident of the single dwelling'.

#### NOTES

1. This development permit does not grant "building approval" for the proposed structure. The Building Code of Australia requires that any structure 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. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/ or surrounding infrastructure.

#### REASONS FOR THE DECISION

1. The proposed development is consistent with the primary purpose of Zone SD (Single Dwelling) which is to provide for single dwellings on individual lots.

2. A variation to Clause 7.10.4 (Dependant Units) of the NT Planning Scheme for a dependent unit greater than 50 m<sup>2</sup> is supported in this instance as the proposal is unlikely to detrimentally impact on the residential amenity of abutting land as:
  - the setback from the rear property boundary complies with the required setback of Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme;
  - the location of existing outbuildings on abutting properties will in part obscure the proposed unit; and
  - all dwellings on abutting properties are located well back from the subject site and proposed dependent unit.
3. A variation to Clause 6.11 (Garages and Sheds) for a shed with a reduced side setback is considered satisfactory in this instance as the location of the shed on the boundary is appurtenant to a shed on an abutting property to the south, with negligible visual impact on this property, and there are no dwellings or habitable room windows on any of the abutting properties which are within close proximity to the proposed shed, and which therefore satisfies the purpose of Clause 6.11 which is 'to ensure that garages and sheds are sited so they do not detract from the streetscape or the amenity of adjoining land'.
4. Darwin City Council advises it is the sole authority responsible under the Local Government Act and associated by-laws for stormwater drainage and as such have requested details of the collection and discharge of stormwater for this proposal.

#### **ACTION**

Notice of Consent and Development Permit

**ITEM 4**                      **GARAGE AND CARPORT ADDITIONS TO AN EXISTING SINGLE DWELLING**  
**PA2011/0230**              **WITH REDUCED SIDE SETBACKS**  
                                  **LOT 4992 (42) GOODMAN STREET, TOWN OF NIGHTCLIFF**  
**APPLICANT**              **PAUL DAVID WINTER**

Applicant Paul Winter attended the meeting.

**RESOLVED**              That, the Development Consent Authority vary the requirements of Clause 6.11  
**95/11**                      (Garages and Sheds) and Clause 7.3 (Building Setbacks of Residential Buildings) of the  
                                  NT Planning Scheme and pursuant to section 53(a) of the *Planning Act*, consent to the  
                                  application to develop Lot 4992 (42) Goodman Street, Town of Nightcliff for the  
                                  purpose of a garage and carport addition to an existing single dwelling with reduced  
                                  side setbacks, subject to the following conditions:

## **CONDITION PRECEDENT**

1. Prior to the commencement of works (including site preparation) a schematic plan is to be provided, demonstrating that all stormwater can be collected on the site and discharged, to the requirements of Darwin City Council. This plan is to include details of site levels and stormwater drain connection points within the vicinity of the site.

## **GENERAL CONDITIONS**

2. The development carried out under this permit shall be in accordance with drawing numbers 2011/0230/1 through 2011/0230/4 endorsed as forming part of this permit
3. 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.
4. Storm water is to be collected and discharged into the drainage network to the technical standards of and at no cost to Darwin City Council, to the satisfaction of the consent authority.
5. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Darwin City Council, to the satisfaction of the consent authority.

## **NOTES:**

1. This development permit does not grant "building approval" for the proposed structure. The Building Code of Australia requires that any structure 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. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/ or surrounding infrastructure.

## **REASONS FOR THE DECISION**

1. The proposed development is consistent with the primary purpose of Zone SD (Single Dwelling) which is to provide for single dwellings on individual lots.
2. Variations to Clause 6.11 (Garages and Sheds) and Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme for garage and carport additions with reduced side setbacks is supported in this

instance as the proposal is unlikely to detrimentally impact on the amenity of the surrounding area as:

- there is existing vegetation on the abutting property appurtenant to the garage's location, such that the garage would not be highly visible from the neighbouring property;
- the dwelling on the abutting property to the south is well setback from the subject site, and has no windows facing the subject site;
- the garage is well setback from the front property boundary;
- the separation between the proposed garage and dwelling on the abutting site should enable adequate breeze circulation; and
- the carport is an open sided structure with only 3 posts and a small section of roof within the setback area which would have negligible visual impact;

and as such the proposal is considered to comply with the purposes of clause 6.11 which is to 'ensure that garages and sheds are sited so they do not detract from the streetscape or the amenity of adjoining land' and Clause 7.3 which include 'to minimise any adverse effects of building massing when viewed from adjoining land and the street' and 'to encourage breeze penetration through and between building'.

- 3 Darwin City Council advises it is the sole authority responsible under the Local Government Act and associated by-laws for stormwater drainage and as such have requested details of the collection and discharge of stormwater for this proposal.

#### **ACTION**

Notice of Consent and Development Permit

**ITEM 5  
PA2011/0273  
APPLICANT**

**MILITARY MUSEUM  
LOT 5434 (251) ALEC FOND LIM DRIVE, TOWN OF DARWIN  
NRETAS**

Applicant Lucio Maddarazzo (Cardino) attended the meeting along with Luis Darocha, Hugo Leszhen (NRETAS), Mark Dodd (DCI)

Daniel Lion attended on behalf of NRETAS

Cindy Robson (Darwin City Council) attended the meeting and addressed the authority

Submitter Margaret Clinch (PLan) attended the meeting and tabled a photograph

**RESOLVED**  
**96/11**

That, the Development Consent Authority reduce the car parking requirement from 42 bays to 40 bays pursuant to Clause 6.5.2 (Reduction in Parking Requirements) of the NT Planning Scheme, and vary the requirements of Clause 6.5.3 (Parking Layout) of the NT Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 5434 (251) Alec Fong Lim Drive, Town of Darwin for the purpose of a military museum, subject to the following conditions:

1. The development carried out under this permit shall be in accordance with drawing numbers 2011/0273/1 through 2011/0273/11 endorsed as forming part of this permit
2. Storm water is to be collected and discharged into the drainage network to the technical standards of and at no cost to Darwin City Council and/ or the Department of Natural Resources, Environment the Arts and Sport and/ or the Department of Health as the case may be, to the satisfaction of the consent authority. Any easements required over Council land for stormwater drainage purposes shall be established at no cost to council and vested in the relevant authority for which the easement is to be created.
3. The owner of the land must either establish an adequate supply of potable water onsite or enter into agreements with the Darwin City Council and/ or Power & Water Corporation for the provision of a water supply to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. An approved effluent disposal system to the requirements of the Department of Health and to the satisfaction of the consent authority must be installed concurrently with the erection of the military museum and all waste must be disposed of within the cartilage of the land, or the owner must enter into agreements with the relevant authority for the provision of sewerage facilities to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. The owner of the land must enter into an agreement with the relevant authority for the provision of electricity to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
6. 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.
7. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Darwin City Council, to the satisfaction of the consent authority.
8. 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 Darwin City Council to the satisfaction of the consent authority.

9. Before the use or occupation of the development starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
  - (a) constructed;
  - (b) properly formed to such levels that they can be used in accordance with the plans;
  - (c) surfaced with an all-weather-seal coat;
  - (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 driveways;to the satisfaction of the consent authority.  
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
10. The car parking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their visitors.
11. 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.
12. Soil erosion and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
13. An appropriately designed and constructed bicycle parking facility shall be provided on the subject site, to the satisfaction of the consent authority.
14. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council. The area must be graded and drained and screened from public view to the satisfaction of the consent authority.
15. All air conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on the surrounding area and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.

**NOTE:**

Notwithstanding the approved plans, any proposed works within Council's road reserve is subject to Council's approval and shall meet all Council's requirements to the satisfaction of the General Manager or Infrastructure, Darwin City Council and at no cost to Council.

## REASONS FOR THE DECISION

1. The proposal is considered to be consistent with the purpose of Zone PS (Public Open Space) which is to 'provide public areas for recreational activity'. While access to the site is currently, and will remain, restricted, it is an existing situation, and the museum use, being within the broader definition of 'leisure and recreation' is consistent with the recreational purposes of the zone.
2. A reduction of 2 car parking spaces (from 42 to 40) is considered warranted in this instance based on:
  - casual observations which indicate that the current museum use attracts few vehicles at any one time;
  - the current car parking arrangements for the existing museum which is all within the Alec Fong Lim Drive road reserve, and which can readily accommodate the 2 vehicle shortfall if needed; and
  - any increase in the size of the car park to accommodate 2 additional vehicle will increase the expanse of car park which, on a site within Zone PS (Public Open Space), ideally should be kept to a minimum.
3. A variation to Clause 6.5.3 (Parking Layout) for 2 car parking bays at 2.4m in width instead of 2.5m in width, and for a car park setback of 2.2m instead of 3m is supported in this instance as:
  - the 2.4m width complies with the relevant Australian Standard AS/NZS 2890.6:2009, and applies to only 2 of the 40 parking bays, with all other bays provided at 2.7m in width;
  - the car park's location within an existing cleared area is constrained by existing site conditions, necessitating the need to encroach slightly within the setback area; andthere is existing landscaping along the site's property frontage to immediately provide a softening effect to the car park as viewed from the street.

### ACTION

Notice of Consent and Development Permit

**ITEM 6**  
**PA2010/1467**  
**APPLICANT**

**UNIT PLAN SUBDIVISION TO CREATE 6 UNITS**  
**LOT 6105 (23) SERGISON CIRCUIT, TOWN OF NIGHTCLIFF**  
**EARL JAMES AND ASSOCIATES**

Applicant Kevin Dodd (Earl James & Associates) attended with owner (Jason Lee).

**RESOLVED**  
**97/11**

That, the Development Consent Authority determine to vary the requirements of Clause 11.1.4 Clause 11.1.4 (Subdivision for the Purposes of a Unit Title Scheme) 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 6105 (23) Sergison Circuit, Town of Nightcliff, for the purpose of a Unit plan subdivision to create 6 units, subject to the following conditions:

## CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to 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) Common property free of any exclusive use area immediately adjacent to the 'car parking area' for Unit 3 to provide pedestrian access to Unit 6. A minimum car parking width of 2.5m shall be maintained. Alternatively the exclusive use areas shall remain as is on the plan submitted with the application but details of the exclusive use bylaw which allows pedestrian passage over the 'car parking area' for Unit 3 shall be identified to the Development Consent Authority.
  - (b) A landscaping plan to be provided, showing details with regards to existing and proposed plant species and quantities on the subject site which softens the visual impact of the built form on the nearby residential area.
2. Prior to the commencement of works (including site preparation) a schematic plan is to be provided, demonstrating that all stormwater can be collected on the site and discharged underground to Council's stormwater drainage, to the requirements of Darwin City Council and to the satisfaction of the consent authority. This plan is to include details of site levels and stormwater drain connection points within the vicinity of the site.

## 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. Prior to new titles being issued for the units shown on the endorsed drawings, a Scheme Statement meeting the requirements of the Unit Titles Scheme Act (as confirmed by the Land Titles Office) shall be submitted to the satisfaction of the consent authority, and endorsed as forming part of this permit.
5. 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.
6. 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.
7. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity, services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

8. Prior to Part 5 being issued for the proposed unit title subdivision, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.

#### REASONS FOR THE DECISION

1. The proposed unit plan subdivision to create six (6) units is consistent with the existing development on the site, built in excess of 30 years ago.
2. The proposed unit plan subdivision to create five (6) units is generally in keeping with Clause 11.1.4 (Subdivision for the Purposes of a Unit title Scheme) and in particular will not have a detrimental environmental effect on the land or result in a loss of amenity within the locality.
3. Amended plans showing storm water drainage details including site levels will ensure the issue is satisfactory to the requirements of Darwin City Council.
4. The requirement of a unit plan showing common property free of any exclusive use area immediately adjacent to the 'car parking area' for Unit 3 to provide pedestrian access to Unit 6 will ensure that access is maintained to the satisfaction of the consent authority.
5. A landscaping plan is required in order to ensure sufficient landscaping will be provided on site in order to soften the visual impact of the development on the nearby residential area.

#### ACTION

Notice of Consent and Development Permit

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



PETER MCQUEEN  
Chairman

23/5/11