

DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 132 – FRIDAY 4 SEPTEMBER 2009

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

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

APOLOGIES: Nil

OFFICERS PRESENT: Ann Marie Dooley (A/Secretary), Steve Popple, Douglas Lesh and Peter Sdraulig (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

**Meeting opened at 9:00am and closed at 11.45am
Re-opened at 1.00pm and closed at 1.30pm**

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The Minutes of the 131st DCA meeting held on Friday 21 August 2009 were ratified as an accurate representation of the proceedings on 24 August 2009.

The Minutes of the 57th Reporting Body Hearing held on Friday 21 August 2009 were ratified as an accurate representation of the proceedings on 24 August 2009.

BUSINESS ARISING FROM MINUTES

Nil

THE MINUTES RECORD OF THE EVIDENTIARY STAGE AND THE DELIBERATIVE STAGE ARE RECORDED SEPARATELY. THESE MINUTES RECORD THE DELIBERATIVE STAGE. THE TWO STAGES ARE GENERALLY HELD AT DIFFERENT TIMES DURING THE MEETING AND INVITEES ARE PRESENT FOR THE EVIDENTIARY STAGE ONLY.

ITEM 2 INFORMATION ITEM ENFORCEMENT

Investigation – alleged use of the property for the operation of Yellow Rose Cleaning and Garden Service
Lot 6792 (13) Mazlin Street, Town of Nightcliff

RESOLVED That the Authority request that DAS continue to monitor the site for compliance
215/09

Investigation – alleged use of the property for the operation of 'white bins' skip bins from the site
Lot 3256 (76) Rothdale Road, Town of Nightcliff.

RESOLVED That the Authority agree that no further action is required at the this stage.
216/09

PA2008/0284 Investigation – Alleged construction of a structure within the side setback without consent
Lot 2509 (10) Knight Street, Town of Darwin

RESOLVED That the Authority request that DAS await advice from legal services in order
217/09 determine the correct course of action.

PA2009/1020 Investigation – Alleged use of property for car washing business, issues with noise from pressure cleaner
Lot 1879 (26) Charles Street, Town of Darwin

RESOLVED That the Authority agree that no further action is required at the this stage.
218/09

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- PA2009/1019** Investigation – Alleged use of single dwelling for unauthorised bed & Breakfast Lot 343 (3) Sandalwood Street, Town of Nightcliff.
- RESOLVED 219/09** That the Authority agree that no further action is required at the this stage.
- PA2003/0862** Investigation – Alleged home occupation contravening clause 7.10.7 of the NT Planning Scheme
Lot 5406 (49) Copeland Crescent, Town of Nightcliff
- RESOLVED 220/09** That the Authority request that DAS continue to monitor the site.
- PA2008/0697** Investigation – alleged fill being placed on the property
Lot 9476 (22) Orchard Road, Town of Nightcliff
- RESOLVED 221/09** That the Authority request that DAS continue to work with NRETAS and the complainant to ensure that both parties are satisfied with the current state of the site.
- PA2007/1009** Investigation – Possible breach of NT Planning Scheme – Zone CP (Community Purpose) being used for private rental
Section 5874 (69) Boulter Road, Hundred of Bagot
- RESOLVED 222/09** That the Authority request that DAS continue monitoring the site to ensure compliance with clause 5.21 – Zone CP (Community Purpose).
- PA2007/1004** Investigation – Alleged erection of a light tower over 8.5 meters in height without consent and coastal fill without consent
Lot 6574 (32) Doctors Gully, Town of Darwin
- DAS tabled a letter from the Department of Justice recommending mediation.
- RESOLVED 223/09** That the Authority requests mediation as recommended by the Department of Justice.
- ITEM 3 INFORMATION ITEM
DELEGATED APPROVAL LISTING**
- RESOLVED 224/09** That the Authority noted the information.

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**ITEM 4 INFORMATION ITEM
PROPOSED DELEGATIONS**

DAS tabled an amended copy of Item 4.

**PA2009/1236 SHADE STRUCTURE OVER EXISTING BASKETBALL COURT EXCEEDING 8.5M
HEIGHT LIMITATION
LOT 04806 (133) BAGOT ROAD, TOWN OF DARWIN**

APPLICANT THE SHADE AND CANVAS COMPANY

DAS tabled the file and addressed the Authority on the development application.

**RESOLVED
225/09**

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 Lot 04806 (133) Bagot Road, Town of Darwin for the purpose of a shade structure over existing basketball court exceeding 8.5m height limitation including with respect to granting any variations to the relevant requirements of the NT planning scheme subject to:

- No public submissions being made under section 49 of the *Planning Act*;
- All matters raised by service authorities being suitably addressed by either amended plans or appropriate conditions on a development permit.

ACTION:

If delegation exercised Notice of Consent and Development Permit

**PA2009/1184 42 SELF STORAGE WAREHOUSE UNITS
SECTION 04608 (6) WILLES ROAD, HUNDRED OF BAGOT
APPLICANT PJ & SA MELHUIH & KEOGH INVESTMENTS (NT) PTY LTD**

DAS tabled the file and addressed the Authority on the development application.

**RESOLVED
226/09**

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 Section 04608 (6) Willes Road, Hundred of Bagot for the purpose of 42 self storage warehouse units including with respect to granting any variations to the relevant requirements of the NT planning scheme subject to:

- No public submissions being made under section 49 of the *Planning Act*;
- All matters raised by service authorities being suitably addressed by either amended plans or appropriate conditions on a development permit.

ACTION:

If delegation exercised Notice of Consent and Development Permit

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**PA2009/1163 2 X 4 BEDROOM MULTIPLE DWELLINGS IN A SINGLE STOREY BUILDING
LOT 10186 (54) DALDAWA TERRACE, TOWN OF NIGHTCLIFF
APPLICANT STEVEN KARIOTIS**

DAS tabled the file and addressed the Authority on the development application.

**RESOLVED
227/09**

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 Lot 10186 (54) Daldawa Terrace, Town of Nightcliff for the purpose of 2 x 4 bedroom multiple dwellings in a single storey building including with respect to granting any variations to the relevant requirements of the NT planning scheme subject to:

- No public submissions being made under section 49 of the *Planning Act*;
- All matters raised by service authorities being suitably addressed by either amended plans or appropriate conditions on a development permit.

ACTION: If delegation exercised Notice of Consent and Development Permit

**PA2009/1166 ADDITION OF DEMOUNTABLE FOR USE AS AN OFFICE (IN-REACH FACILITY)
LOT 2173 (30) TIVENDALE ROAD, HUNDRED OF BAGOT
APPLICANT DEPARTMENT OF HEALTH AND FAMILIES**

DAS tabled the file and addressed the Authority on the development application.

**RESOLVED
228/09**

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 Lot 2173 (30) Tivendale Road, Hundred of Bagot for the purpose of addition of demountable for use as an office (in-reach facility) including with respect to granting any variations to the relevant requirements of the NT planning scheme subject to:

- No public submissions being made under section 49 of the *Planning Act*;
- All matters raised by service authorities being suitably addressed by either amended plans or appropriate conditions on a development permit.

ACTION: If delegation exercised Notice of Consent and Development Permit

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ITEM 4A BRIEFING REGARDING LOTS 1535, 1252 AND 2414, TOWN OF DARWIN

APPLICANT TROPPO ARCHITECTS

Ms Lana Yali and Mr Greg McNamara (Troppo Architects) and Michael Simpson and Bob Bicknell (Territory Housing) attended the briefing.

ITEM X SUPPORTING ACCOMMODATION

PA2009/1153 LOT 2041 (15) HENRY STREET, TOWN OF DARWIN
APPLICANT SALVATION ARMY (NT)

Mr Paul Chamberlain, Mr John Friend (Salvation Army) And Mr Dean Osbourne (Developer) attended the meeting.

RESOLVED
229/09

That, the Development Consent Authority determine to vary the requirements of Clause 6.5.3 (Parking Layout) and Clause 7.3 (Building Setbacks of Residential Buildings, Carports, Pergolas and the Like) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application to develop lot 2041 (15) Henry Street, Town of Darwin for the purpose of supporting accommodation in a single storey building, 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.

GENERAL CONDITIONS

2. Works carried out under this permit shall be in accordance with the plans endorsed as forming part of this permit.
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 services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
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.

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5. 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.
6. 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.
7. 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; and
 - (e) line marked to indicate each car space and all access lanes;to the satisfaction of the consent authority.

Car spaces, access lanes and driveways must be kept available for these purposes at all times.
8. All air conditioning condensers are to be appropriately screened from view from outside the site, 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.
9. 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.
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 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.

REASONS FOR THE RECOMMENDATION

1. The proposal to construct a supporting accommodation facility is consistent with residential nature and purpose of Zone SD (Single Dwelling Residential).

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2. Variations to the requirements of clause 6.5.3 (Parking Layout) are supported as:
 - the proposal includes extensive landscaping throughout the site, including between the front property boundary and the carpark, which is considered satisfactory in achieving the intent of the clause;
 - the angle of car space number 2 will enable vehicles to egress the car space in a convenient manner; and
 - car space number 5 is additional to the minimum car parking requirements but can still be used for parking if required.

3. Variations to the requirements of clause 7.3 (Building Setbacks of Residential Buildings and Pergolas, Carports and the Like) are supported as:
 - the building is angled to each of the property boundaries, resulting in only relatively minor corners of the building within the required setback, with the majority of the building being located well within the setbacks requirements;
 - the front setback reduction is to a verandah/ portico which is a largely open structure causing minimal adverse impact to the streetscape;
 - any habitable room window are angled to the side and rear property boundaries offering only oblique views to abutting properties, the boundaries of which are provided with screen fencing; and
 - the proposal includes extensive landscaping throughout the site which significantly minimises the impact of the impact form.

ACTION: Notice of Consent and Development Permit

ITEM 5 RETAIL & COMMERCIAL ADVERTISING SIGNS

PA2009/1133 **LOT 7769 (2) STOKES HILL ROAD, TOWN OF DARWIN**
APPLICANT **TOGA DARWIN NO. 1**

Applicant did not attend the meeting

Submitters in attendance:
Mr Chas Carter (spoke)

RESOLVED **230/09**

That, pursuant to section 53(a) of the Planning Act, the Development Consent Authority consents to the application to develop Lot 7769 (2) Stokes Hill Road, Town of Darwin for the purpose of internally illuminated business signs, subject to the following conditions:

1. Works carried out under this permit shall be in accordance with drawing numbers 2009/1133/1 through 2009/1133/9 endorsed as forming part of this permit.
2. 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.
3. The signs must not be animated or contain any flashing lights.

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4. The sign lighting must be designed, baffled and located to the satisfaction of the consent authority to prevent any adverse effect on adjoining land.
5. The owner of the land must enter into an agreement with the relevant authority for the provision of electricity services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

REASONS FOR THE RECOMMENDATION

1. The proposal is consistent with the purpose of clause 6.7 (Signs) of the NT Planning Scheme which is to 'ensure that business signs are of a size and location that minimises detriment to the amenity of the area', through:
 - the signs being generally well spaced so that they will not cause visual clutter;
 - the overall amount of signage is not considered excessive in the context of the building/ wall surface area on which they are located, as demonstrated by the elevation plans; and
 - the signs being located at least 30m from any residential zone.

ACTION: Notice of Consent and Development Permit

ITEM 6 RETAIL & COMMERCIAL ADVERTISING SIGNS

**PA2009/1130 LOT 7768 (7) KITCHENER DRIVE, TOWN OF DARWIN
APPLICANT TOGA**

Applicant did not attend the meeting.

Submitters in attendance:
Mr Chas Carter (spoke)

**RESOLVED
231/09**

That, pursuant to section 53(a) of the Planning Act, the Development Consent Authority consents to the application to develop Lot 7768 (7) Kitchener Drive, Town of Darwin for the purpose of internally illuminated business signs, subject to the following conditions:

1. Works carried out under this permit shall be in accordance with drawing numbers 2009/1130/1 through 2009/1130/6 endorsed as forming part of this permit.
2. 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.
3. The signs must not be animated or contain any flashing lights.

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4. The sign lighting must be designed, baffled and located to the satisfaction of the consent authority to prevent any adverse effect on adjoining land.
5. The owner of the land must enter into an agreement with the relevant authority for the provision of electricity services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

REASONS FOR THE RECOMMENDATION

1. The proposal is consistent with the purpose of clause 6.7 (Signs) of the NT Planning Scheme which is to 'ensure that business signs are of a size and location that minimises detriment to the amenity of the area', through:
 - the signs being generally well spaced so that they will not cause visual clutter;
 - the overall amount of signage is not considered excessive in the context of the building/ wall surface area on which they are located, as demonstrated by the elevation plans; and
 - the signs being located at least 30m from any residential zone.

ACTION: Notice of Consent and Development Permit

ITEM 7

SUBDIVISION TO CREATE 5 LOTS

**PA2009/1144
APPLICANT**

**LOTS 9980 & 10368 LEE POINT ROAD, TOWN OF NIGHTCLIFF
ELTON CONSULTING**

Ms Kim Lesley (Elton Consulting) and Mr Jeremy Clarke (Engineer) attended the meeting

**RESOLVED
232/09**

That, pursuant to section 53(a) of the Planning Act, the Development Consent Authority consent to the application to subdivide Lots 9980 & 10368 Lee Point Road, Town of Nightcliff to create 5 lots, subject to the following conditions:

1. Works carried out under this permit shall be in accordance with drawings numbered 2009/1144/1 & 2009/1144/2, 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. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities, electricity supply and telecommunications to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

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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. All proposed roads and public open space reserves to be created on the plan of subdivision submitted for approval by the Surveyor General must be dedicated to the relevant Northern Territory or local government authority.
6. Engineering design and specifications of the proposed and affected roads, including street lighting, stormwater drainage, vehicle access, pedestrian/cycle corridors, streetscaping and landscaping of nature strips are to be to the technical requirements of the Darwin City Council to the satisfaction of the consent authority and all approved works constructed at the permit holder's expense.
7. In consideration of the development potential of the surrounding area, the developer shall 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 developments' present and predicted future exposure to road traffic noise levels, and where required provide appropriate noise attenuation measures to the satisfaction of the Authority.

All noise attenuation works deemed necessary shall be carried out by and at the full cost of the developer and shall be wholly contained within the development site.

8. Any fragments of asbestos cement sheeting identified subsequent to the clearing of vegetation and during redevelopment of the site must be removed and disposed of in accordance with McMahon's Report of June 2005 titled 'McMahon Services, Defence Housing Estate, Lee Point Road, Tiwi, Northern Territory, Action in the Event of Discovery of Expected Asbestos Debris During Civil Construction' and NT Worksafe requirements, to the requirements of the Appointed Environmental Auditor as stated in the Executive Summary of the Environmental Audit Report dated 13 July 2005, to the satisfaction of the consent authority.
9. All solid inert wastes including brick, concrete, terracotta pipes, small empty cans and drums that remain on the site in small quantities must be removed and disposed of in a manner satisfactory to the Department of Natural Resources, Environment, the Arts and Sport to the requirements of the Appointed Environmental Auditor as stated in the Executive Summary of the Environmental Audit Report dated 13 July 2005, to the satisfaction of the consent authority.
10. All requirements of Appointed Environmental Auditor as stated in the Executive Summary of the Environmental Audit Report dated 13 July 2005 are to be completed to the satisfaction of the consent authority.

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REASONS FOR THE RECOMMENDATION

1. The proposed subdivision to create 5 lots is supported as it is consistent with the intended lot size, configuration and land use of Zone SD17 (Specific Use Darwin 17) of the NT Planning Scheme.
2. The requirement for conditions 8, 9 & 10 in respect to removal and disposal of asbestos sheeting and other waste material from the site, and completion of all requirements of the Appointed Environmental Auditor, are in recognition of the proposed sensitive use of Lot 9980 (proposed Lots 1 to 4) from that originally intended for the site.

ACTION: Notice of Consent and Development Permit

ITEM 8 **MIXED USE DEVELOPMENT COMPRISING OF OFFICE, RESTAURANT, SHOP
AND CARPARKING AT GROUND LEVEL, 92 X 2 BEDROOM (2 KEY) SERVICED
APARTMENTS IN 5 STOREYS ABOVE, PLUS 2 LEVELS OF BASEMENT PARKING
LOT 8739 (33) PROGRESS DRIVE, TOWN OF NIGHTCLIFF
APPLICANT** **SUNBUILD PTY LTD**

Mr Neil Sunners and Mr Steve Gawa (Sunbuild Pty Ltd) attended the meeting and tabled a landscaping plan and site plans including elevations and location plan.

Submitters in attendance:
Ms Fiona Douglas (Spoke)
Mr Nick Hayes (Spoke)

DAS tabled Addendum 8A Darwin City Council's comments in relation to the application.

**RESOLVED
233/09**

That, the Development Consent Authority determine to vary clause 7.1 (Residential Density and Height Limitations) and clause 8.3 (Setbacks for Commercial Uses Adjacent to Land in Zones SD, MD, MR & HR) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application to develop Lot 8739 (33) Progress Drive, Town of Nightcliff for the purpose of a mixed use development comprising office, restaurant shop and car parking at ground level, 92 x 2 bedroom (2 key) serviced apartments in 5 levels above, plus 2 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:

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- (a) waste bin management and storage to the requirements of Darwin City Council;
 - (b) provision of an electrical substation and electricity easement on the site to Power and Water Corporation's requirements; and
 - (c) a landscape plan and associated planting schedule specifying plant species and quantities for all landscaped areas and including:
 - species and quantities capable of providing an appropriate visual screen along the eastern property boundary; and
 - written advice demonstrating that soil depth, growth areas and plant species are all suitable in ensuring the ongoing sustainability of the landscaping as proposed, particularly for the landscape areas above the basement car park.
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 stormwater drainage system, to the requirements of Darwin City Council and to the satisfaction of the consent authority.
 3. Prior to endorsement of plans and prior to the commencement of works (including site preparation), an Approved Comprehensive Traffic Management Plan must be submitted to, and approved by, the Director Public Transport, 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 Study by a suitably qualified person showing the location and design of accessways in accordance with Australian Standards (and including provision of the coach/ bus drop off bay) must be submitted to, and approved by, the General Manager Infrastructure, Darwin City Council, to the satisfaction of the consent authority.

GENERAL CONDITIONS

5. Works carried out under this permit shall be in accordance with the plans endorsed as forming part of this permit.
6. All works are to be in accordance with the Approved Comprehensive Traffic Management Plan and Traffic Study required by Conditions 3 & 4 of this permit.
7. 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.
8. 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.
9. 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.

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10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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.
16. 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.
17. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
18. 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.

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19. 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.
20. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council to the satisfaction of the consent authority.
21. The development must not contain any decorative external illuminated features, or flashing lights, and all external lighting must be designed, baffled and located so as to prevent any adverse on adjoining or nearby land.

NOTES:

1. Notwithstanding the approved plans, any proposed awning is subject to Council's approval and shall meet all Council's requirements to the satisfaction of the General Manager of Infrastructure, Darwin City Council and at no cost to Council.
2. Notwithstanding the approved plans, proposed landscaping and other works within the road reserve are subject to Council's approval and shall meet all Council's requirements to the satisfaction of the Director of Technical Services, Darwin City Council and at no cost to Council.

REASONS FOR THE RECOMMENDATION

1. The proposed development is consistent with the purpose of Zone C (Commercial) which includes that development should respect the amenity of adjacent and nearby uses, promote community safety in building design, and be of a scale and character appropriate to the service function of a particular centre.
2. A variation to clause 7.1 (Residential Density and Height Limitation) of the Northern Territory Planning Scheme for an increased density is supported as the purpose of the clause is to ensure that residential development is of a density compatible with the existing and planned provision of reticulated services and community facilities which will service the area, and the none of the service authorities have raised any specific issues of concern with the application to indicate that the existing services in the area are not able to support the proposed development.
3. A variation to clause 7.1 (Residential Density and Height Limitation) of the Northern Territory Planning Scheme for a building height greater than 3 storeys is supported as:
 - land in the area to the south of Progress Drive is within Zone MR (Medium Density Residential), HR (High Density Residential) and Zone C (Commercial), which allows development of between 3 and 8 storeys;
 - nearby sites and the surrounding area are at a stage where redevelopment would be expected in the short to medium term, to heights similar to that currently proposed; and

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- the overall height of the development is consistent with the purpose of the clause which is 'to ensure that residential development is of a height compatible with adjoining or nearby existing development or development reasonably anticipated', as indicated by the streetscape elevation plan.
- 4. A variation to clause 8.3 (Setbacks for Commercial Uses Adjacent to Land in Zones SD, MD, MR or HR) is supported as the commercial component of the development is located well away from the abutting residential land, and the mandatory 3m of landscaping is provided along the eastern property boundary appurtenant to the abutting residential land.
- 5. The requirement for additional landscaping details is required to ensure that landscaping will achieve the purpose of part 3 of clause 8.3 (Setbacks for Commercial Uses Adjacent to Land in Zones SD, MD, MR & HR) and to ensure it is sustainable.
- 6. The requirement for amended plans showing the provision of an electricity substation and easement, and waste bin storage will ensure the site is serviced to the requirements of the relevant servicing authorities.
- 7. The requirements for the Traffic Management Plan and Traffic Study are in recognition of the site's location adjacent to a busy road and intersection, and in order ensure that matters relating to vehicle access (including the provision of a bus drop off) are appropriately addressed and managed to ensure the development operates in an efficient and safe manner.
- 8. The requirement that the development must not contain any decorative external illuminated features, or flashing lights, and that all external lighting must be designed, baffled and located is required in order to prevent any adverse on adjoining or nearby land and to maintain the visual amenity of the development.

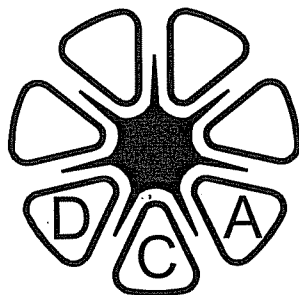
ACTION: Notice of Determination

SIGNED AS AN ACCURATE REPRESENTATION OF THE PROCEEDINGS



PETER MCQUEEN
Chairman

10 /9/09



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 133 – FRIDAY 18 SEPTEMBER 2009

BATHURST CONFERENCE ROOM
MANTRA ON THE ESPLANADE
88 THE ESPLANADE
DARWIN

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

APOLOGIES: David Hibbert

OFFICERS PRESENT: Ann Marie Dooley (A/Secretary), Douglas Lesh, Peter Sdraulig, Sarah Gooding, Carla Bonfanti and Debra Buise (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

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

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The Minutes of the 132nd DCA meeting held on Friday 4 September 2009 were ratified as an accurate representation of the proceedings on 10 September 2009.

The Minutes of the 58th Reporting Body Hearing held on Friday 4 September 2009 were ratified as an accurate representation of the proceedings on 10 September 2009.

BUSINESS ARISING FROM MINUTES

Nil

THE MINUTES RECORD OF THE EVIDENTIARY STAGE AND THE DELIBERATIVE STAGE ARE RECORDED SEPARATELY. THESE MINUTES RECORD THE DELIBERATIVE STAGE. THE TWO STAGES ARE GENERALLY HELD AT DIFFERENT TIMES DURING THE MEETING AND INVITEES ARE PRESENT FOR THE EVIDENTIARY STAGE ONLY.

ITEM 2 NO ITEMS

ITEM 3 NO ITEMS

ITEM 4 NO ITEMS

ITEM 5 DEVELOPMENT – MIXED USE DEVELOPMENT COMPRISING A 6 STOREY COMMERCIAL BUILDING (INCLUDING 1 LEVEL OF CAR PARKING) AND 4 X 2 & 2 X 3 BEDROOM MULTIPLE DWELLINGS, A 6 STOREY BUILDING WITH 20 X 1, 22 X 2 & 4 X 3 BEDROOM MULTIPLE DWELLINGS, AND A 9 STOREY BUILDING WITH 22 X 1, 31 X 2 & 10 X 3 BEDROOM MULTIPLE DWELLINGS WITH GROUND LEVEL COMMERCIAL, PLUS BASEMENT CAR PARKING AND ASSOCIATED ROADS AND OPEN SPACE

PA2009/1183 LOT 7770 (2) STOKES HILL ROAD (PREVIOUSLY LOT 7769 MCMINN STREET),
TOWN OF DARWIN
APPLICANT TOGA DARWIN NO. 1 PTY LTD

Mr Scott Williams attended the meeting on behalf of Toga Darwin No. 1 Pty Ltd

RESOLVED That, the Development Consent Authority determine to reduce the car parking
234/09 requirement from 434 to 387 pursuant to clause 6.5.2 (Reduction in Parking Requirements), and to vary clause 6.6 (Loading Bays) and clause 7.6 (Communal Open Space) of the Northern Territory Planning Scheme, and pursuant to sections 52 (3) and 53(b) & of the *Planning Act*, alter the application and consent to the application as altered to develop Lot 7770 (2) Stokes Hill Road (previously Lot 7769 McMinn Street), Town of Darwin for the purpose of a mixed use development comprising a 6 storey commercial building (including 1 level of car parking) and 12 x 2 bedroom multiple dwellings, a 6 storey building with 24 x 1 & 24 x 2 bedroom multiple dwellings, and a 9 storey building with 26 x 1, 33 x 2 & 6 x 3 bedroom multiple dwellings with ground level commercial, plus basement car parking and associated roads and open space, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of works (including site preparation), the permit holder shall prepare a Construction Environmental Management Plan (CEMP) to address all environmental management matters associated with the construction of the project and is to include, but is not to be limited to, the following:
 - (a) a Noise Management Plan that demonstrates how the applicant will achieve the objective of limiting the impact of noise from construction to acceptable levels and contains the organisation structure, responsibilities, practices, procedures, processes and resources required for implementation;
 - (b) an Acid Sulphate Soil Management Plan that amongst other things details a soil testing regime consistent with the New South Wales Environmental Protection Authority's Environmental Guideline Assessing and Managing Acid Sulphate Soil or equivalent and includes details of management and disposal options for acid sulphate soils;
 - (c) an Archaeological and Heritage Management Plan that amongst other things details procedures to be followed in the event that items of archaeological or heritage interest are discovered during construction activity, and contains the organisation structure, responsibilities, practices, processes and resources required for implementation;
 - (d) a Soil Erosion and Sediment Control Management Plan detailing measures to be implemented, maintenance requirements and the organisation structure, responsibilities, practices, processes and resources required for implementation;
 - (e) a Weed Management Plan that details strategies to be implemented to minimise the introduction of weeds to the site and spread of weeds from the site;
 - (f) a Lighting Management Plan that demonstrates how the permit holder will avoid any adverse impact of lighting from construction activities on shipping navigation requirements and residential amenity and contains the organisation structure, responsibilities, practices, processes and resources required for implementation;
 - (g) a Waste Management Plan specifying measures to minimise the impact of all soil, air and water wastes to be excavated, dredged, pumped, generated, handled, treated, transported and disposed of during development. The Waste Management Plan as a minimum is to:
 - list all wastes (liquid and non-liquid) that may be generated at the site including building or demolition or excavated materials
 - detail the intended manner of handling, storing, tracking and transport of wastes
 - include procedures for the disposal of all wastes to a licensed facility or location in accordance with the *Water Act* and the *Waste Management and Pollution Control Act* and their respective classifications at that facility
 - designate waste storage areas, including stockpiles and bins and areas for segregation and storage of recyclable materials
 - contain the organisation structure, responsibilities, practices, processes and resources required for implementation

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The CEMP shall be submitted to and approved by the consent authority on the advice of the Department of Natural Resources, Environment, the Arts and Sport (NRETAS) and an endorsed copy will form part of this permit.

2. Prior to the commencement of works (including site preparation), the permit holder shall provide to the consent authority geo-technical advice from a suitably qualified professional confirming that the site is suitable to accommodate the proposed construction methods and scale of development.
3. Prior to the commencement of works (including site preparation) 3 full sets of amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) deletion of the columns from within the loading bay area and its connecting accessway within building 4; and
 - (b) measures to prevent potential entrapment opportunities within the loading bay area, in accordance with Crime Prevention Through Environmental Design (CPTED) principles.
4. Prior to the commencement of works (including site preparation), the proposed New Road and the Kitchener Drive road boundaries indicated in the Development Application must be confirmed and submitted to Road Network Division for its approval, prior to any construction activities within the proposed New Road and Kitchener Drive road reserves, to the satisfaction of the consent authority.
5. Prior to the commencement of works (including site preparation), the permit holder shall provided to the consent authority an acoustic report prepared by a suitably qualified professional which demonstrate that in relation to noise:
 - (a) the residential amenity of the proposed development will not be compromised by, or compromise the ability of the Port to continue its operations and serve both Defence and commercial users;

GENERAL CONDITIONS

6. All works associated with site preparation, remediation and construction of the development shall be carried out in accordance with the Construction and Environmental Management Plan (CEMP) endorsed as forming part of this permit.
7. All remediation works shall be carried out to the requirements of the Remediation Action Plan (RAP) prepared by URS, Version 6- Volumes 1 & 2 dated 9 August 2005.

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8. Upon completion of elements of remediation required by the Remediation Action Plan (RAP) and prior to the commencement of the use, an independent environmental auditor appointed under the *Environmental Protection Act (Victoria)* is to provide to the consent authority a Statement of Environmental Audit. The Statement is to verify that the site has been remediated in such a way that it is suitable for its intended use(s) and any conditions of that Statement are to be complied with in full.
9. A Site Management Plan (SMP) is to be submitted prior to the commencement of the use. The SMP is to be to the requirements of an independent environmental auditor appointed under the *Environmental Protection Act (Victoria)* and shall be submitted to and approved by the consent authority and an endorsed copy of that plan will form part of this permit.
10. Any material brought to the site for use as fill is to be clean fill as defined within the Victorian State Environment Protection Policies (Prevention and Management of Contamination of Land) and the National Environmental Protection (Assessment of Site Contamination) Measure, Victoria.
11. Works carried out under this permit shall be in accordance with the plans endorsed as forming part of this permit.
12. Engineering design and specifications for stormwater drainage and vehicular access are to be to the technical requirements of the Darwin City Council or the Department of Planning and Infrastructure, as the case may be, to the satisfaction of the consent authority and all approved works constructed at the permit holder's expense.
13. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, vehicular access, pedestrian/ cycle corridors, public transport, and streetscaping are to be to the technical requirements of the Department of Planning and Infrastructure to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
14. The permit holder must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity, gas and fuel and telecommunication services in accordance with the authorities' requirements and relevant legislation at the time.
15. Any easements or reserves required for the reticulation of water supply, drainage, sewerage facilities and electricity, gas and fuel and telecommunication services shall be provided in accordance with the relevant authority's requirements and applicable legislation at the time, at no cost to those authorities.
16. Any planting or construction activity within any easement or within road reserves adjacent to assets of any public agency or authority shall conform to the requirements of the relevant agency or authority to the satisfaction of the consent authority.

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17. The road works and/ or all proposed works impacting affecting existing roads are to be designed, supervised and certified on completion by a Chartered Professional Civil Engineer in accordance with the standards and specifications of the Department of Planning and Infrastructure to the satisfaction of the consent authority.
18. The permit holder shall at all times during the construction of the works ensure continuity of vehicular and pedestrian access and reticulated services to all existing businesses and uses accessed from Kitchener Drive or Stokes Hill Road.
19. The areas set-aside for vehicular access 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 and/ or signposted 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.
20. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the Darwin City Council or the Department of Planning and Infrastructure, as the case may be, to the satisfaction of the consent authority.
21. 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.
22. Before the use of the development starts the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
23. The landscaping shown on the endorsed landscape plan must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
24. All roads, storage areas, external stockpiles, or vacant areas must be maintained to avoid dust nuisance to any residential area to the satisfaction of the consent authority.
25. Storage for waste disposal bins is to be provided to the requirements of the Darwin City Council or the Department of Planning and Infrastructure as the case may be, to the satisfaction of the consent authority.

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26. All external plant and equipment must be acoustically treated or placed in sound proof housing to reduce noise to a level satisfactory to the consent authority.
27. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building(s).
28. 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.
29. All air conditioning condensers are to be appropriately screened from view from outside the site, 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.
30. 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.
31. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land and on the operations of the Darwin port.
32. The ground floor, finished floor levels of the buildings must be at a minimum of 6.5 metres AHD.
33. Where any level of the buildings are to be used for the purpose of shop or office, (other than an office ancillary to another use) as defined in the NT Planning Scheme, there must be a minimum of 2 commercial tenants on that level of the building.

Expiry Of Permit

This permit will expire if one of the following circumstances applies:

- (a) the development is not substantially commenced within two years of the date of this permit; or
- (b) the development is not completed within five years of the date of this permit.

The consent authority may extend the periods referred to if an application is made in writing before the permit expires.

NOTES

1. In satisfaction of conditions 14 & 15, Power and Water Corporation will require a site master plan to assist with electricity system design assessment.

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2. Power and Water Corporation have advised that the development is currently being modelled by Water Networks and the analysis results will be available shortly. The developer is strongly encouraged to contact Services Development for the result of this analysis and to be informed of what prescribed works and/or costs may be applicable.

REASONS

1. The proposed changes to the development previously approved by Development Permit DP09/0326 are supported as the proposal is not expected to have a significant impact, beyond that considered previously, on the amenity of adjoining land and is consistent with development anticipated in Zone CB (Central Business) of the Northern Territory Planning Scheme.

ACTION: Notice of Consent and Development Permit

ITEM 6 DEVELOPMENT – MOTEL, OFFICES, RESTAURANT AND SHOPS IN A 21 STOREY BUILDING INCLUDING CAR PARKING AT LEVELS 2 TO 5

**PA2009/1006 LOTS 2338 & 2339 (15 & 17) CAVENAGH STREET, TOWN OF DARWIN
APPLICANT ELTON CONSULTING**

Mrs Kim Leslie and Mr Andrew Voudouris attended the meeting on behalf of Elton Consulting.

Mrs Leslie tabled drawings showing additional landscaping.

RESOLVED Pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority
235/09 consent to the application to develop Lots 2338 & 2339 (15 & 17) Cavenagh Street, Town of Darwin for the purpose of a motel, offices, restaurant and shops in a 21 storey building including car parking at levels 2 to 5, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to endorsement of plans and 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) an indoor substation, generally in the current location, of a size and layout specified by, and meeting the requirements of, the Power and Water Corporation;

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- (b) an electricity easement for the newly established electricity substation at a location specified by, and meeting the requirements of, the Power and Water Corporation;
 - (c) treatment of the footpath where it crosses the driveway access to the site along the Cavenagh Street frontage of the site service to differentiate the footpath from the driveway and which clearly indicates that the crossover is a shared pedestrian/ vehicle area and which provides a heightened level of safety and amenity for pedestrians and which prioritises pedestrian movements;
 - (d) reinstatement of the removed protruding yellow design features to be used to screen and visually enhance the carparking area along the Cavenagh Street frontage;
 - (e) provision of waste disposal, storage and collection to the requirements of Darwin City Council.
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 stormwater drainage system, to the requirements of Darwin City Council and to the satisfaction of the consent authority.

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. 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, to the satisfaction of the Development Consent Authority.
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 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.
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 the Darwin City Council, to the satisfaction of the consent authority.

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8. 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.
9. 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.
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 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. 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. 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.
15. 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.
16. 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.
17. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council to the satisfaction of the consent authority.

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18. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
19. No decorative illuminated design treatments or finishes are to be used on the exterior of the building.

NOTES:

1. Notwithstanding the approved plans, any proposed awning is subject to Council approval and shall meet all Councils requirements to the satisfaction of the Director of Technical Services, Darwin City Council at no cost to Council.
2. Notwithstanding the approved plans, the proposed footpath and landscaping works are subject to Council's approval and shall meet all Councils requirements to the satisfaction of the Director of Technical Services, Darwin City Council at no cost to Council.
3. Notwithstanding the approved plans, all signage is subject to Council's approval and shall meet all Council's requirements to the satisfaction of the Director of Technical Services, Darwin City Council at no cost to Council.
4. The Department of Defence requests that, to minimise conflict with aircraft operations, any outdoor lighting associated with the land's future development has no upward light component (eg Aeroscreen-type fittings). Additionally, large expanses of reflective building materials can be a source of concern with regard to aircraft safety. To reduce the risk, Defence recommends that any new structures on the land use non-reflective external building materials
5. Darwin International Airport requests that, prior to rigging, the height details of any cranes used throughout the construction phase of the development are supplied to allow assessment of any potential impact on aircraft operations.
6. The development and use hereby permitted must 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*, *National Food Safety Standards*.
7. The Power and Water Corporation advise that:
 - the developer will be required to connect to the 225mm Water Main in Cavenagh Street; and
 - the existing sewerage system does not have the capacity to accept the load created by the new development and therefore the developer is required to upgrade approximately 100m of 150mm sewer from Access Chamber 1/11/2A to Access Chamber 26/28.

REASONS FOR THE RECOMMENDATION

1. The proposed development is generally consistent with the purpose for Zone CB (Central Business) which is to provide for a diversity of activities including office, administrative...residential and retail and other business activities with a commitment to the separation of incompatible activities.

Furthermore, the proposed development provides a building form and design that is expected to be sensitive to the needs of pedestrian movement and facilitate the creation of safe and active street frontages and public places and a vibrant commercial precinct.

2. A variation to clause 6.6 (Loading Bays) of the Northern Territory Planning Scheme is supported as it is considered that the office component on the site will impose an infrequent demand on the proposed loading bay. The related nature of the motel and restaurant will enable the loading facilities to be adequately shared.
3. The requirement for amended plans showing details of footpath treatments from and along the Cavenagh Street frontage provision will ensure safe pedestrian movement.
4. The requirement for amended plans showing the yellow decorative finishes to be used to visually enhance the carparking area along the Cavenagh Street frontage, will ensure that the bulk of the carparking area appears minimised and visual impacts upon the amenity of the streetscape are reduced.
5. The requirement for amended plans showing the provision of an appropriate indoor substation, electricity easement, stormwater drainage and waste bin storage will ensure the site is serviced to the requirements of the relevant servicing authorities.

The provision of the revised substation, remaining generally in the current proposed location is required in order to minimise undue impacts upon the streetscape.

ACTION: Notice of Consent and Development Permit

ITEM 7 SUBDIVISION TO CREATE 2 LOTS

PA2009/1148 LOT 9738 (47) FRESHWATER ROAD, TOWN OF NIGHTCLIFF
APPLICANT EARL JAMES AND ASSOCIATES

Earl James and Associates did not attend the meeting.

RESOLVED That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent
236/09 Authority defer consideration of the application to subdivide Lot 9738 (47) Freshwater Road, Town of Nightcliff for the purpose of creating 2 lots.

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ITEM 8 DEVELOPMENT – 4 SINGLE DWELLINGS WITH REDUCED FRONT SETBACKS

PA2009/1160 LOTS 9980 & 10368 LEE POINT ROAD (LYONS), TOWN OF NIGHTCLIFF
APPLICANT ELTON CONSULTING

Mrs Kim Leslie attended the meeting on behalf of Elton Consulting.

**RESOLVED
237/09**

That, the Development Consent Authority vary the requirements of clause 7.3 (Building Setbacks of Residential Buildings and Pergolas, Carports and the Like) of the NT Planning Scheme and, pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 9980 and part Lot 10368 Lee Point Road, Town of Nightcliff for the purpose of 4 single dwellings with reduced front setbacks, subject to the following conditions:

CONDITION 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 final lot numbers for each of the 4 subject lots.

GENERAL CONDITIONS

2. Works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. The reduced front setback for a single dwelling approved by this permit can only be applied in conjunction with the increased side and/ or rear setbacks as shown on the plan 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 and relevant legislation at the time.

NOTE:

This permit approves a single dwelling with a reduced front and increased side and rear setbacks only. For land that can be developed for multiple dwelling purposes, 'Multiple Dwellings' are a discretionary use and any reduced setbacks will be considered in the context of clause 2.5 (Exercise of Discretion by the Consent Authority) which states that the Consent Authority may consent to the development of land that does not meet the standards set out in Parts 4 and 5 only if it is satisfied that special circumstances justify the giving of consent.

REASONS FOR THE RECOMMENDATION

1. A variation to clause 7.3 (Building Setbacks of residential Building and Pergolas, Carports and the Like) of the Northern Territory Planning Scheme is supported as the proposed development is consistent with all other relevant provisions of the Scheme for single dwellings on individual lots and only street setbacks are reduced. Side and/ or rear setbacks are simultaneously increased in order to minimise building mass.
2. The proposed setbacks are consistent with approved setbacks for Stages 1 through 10 of the Lyons development and are unlikely to have an adverse impact on the streetscape or on the existing and future amenity of neighbouring properties, as the integrated varying street setbacks will facilitate the development of a cohesive streetscape unique to the Lyons development.

ACTION: Notice of Consent and Development Permit

ITEM 9 DEVELOPMENT – THREE-STOREY SINGLE DWELLING EXCEEDING THE 8.5M HEIGHT LIMITATION

**PA2009/0945 LOT 7744 (49) RUDDICK CIRCUIT, STUART PARK
APPLICANT YELLOWCITY PTY LTD**

Mr Terry Nixon attended the meeting on behalf of Yellowcity Pty Ltd.
Mr Neil Hyde (owner) also attended. Mr Hyde presented a PowerPoint presentation regarding this Item.

Submitters in attendance:
Pam Harris (spoke)
John Toohey (spoke) & Lisa Trevaskis (spoke)

RESOLVED That, pursuant to Section 53(c) of the *Planning Act*, the Development Consent Authority
238/09 refuse consent for the application to develop Lot 7744 (49) Ruddick Circuit, Town of Darwin, for the purposes of a single dwelling in a 3 storey building exceeding the building footprint and envelope, and the 8.5m height limitation.

REASONS FOR THE RECOMMENDATION

1. As per Part 5 of Zone SD20 (Specific Use Darwin 20), if a single dwelling does not comply with the requirements of this paragraph is shall be permitted only with consent and the consent authority may consent only if it is satisfied that special circumstances justify the giving of consent. As the subdivision was specifically designed to allow development in accordance with the building envelope plan endorsed by Development Permit DP07/0312 showing maximum building heights of no more than 2 storeys in any instance (and making no reference to buildings being permitted to above 8.5 metres in height), and as the site was graded and

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contoured having consideration for the building envelope plan, no special circumstances are considered to exist which justify the granting of a variation to the maximum number of storeys specified by the building envelope endorsed under Development Permit DP07/0312.

2. As per Clause 2.5 of the NT Planning Scheme) if a single dwelling does not comply with the standards set out in Parts 4 & 5 of the Scheme it shall be permitted only with consent and the consent authority may consent only if it is satisfied that special circumstances justify the giving of consent. The current proposal exceeds the height limitations as prescribed by clause 7.1 (Residential Density and Height Limitations) by 31% which is considered excessive and not justified in this instance based on either the lot configuration/ alignment or the topography of the land in question.
3. While unlikely to adversely impact on the residents of Duke Street due to the proposed building being no more than 8.5 metres in height as viewed from this direction, the proposed development would appear as a 3 storey building with a maximum height of 11.2 metres as viewed from future dwellings to be constructed on the opposite side of Ruddick Circuit. The purpose of clause 7.1 (Residential Density and Height Limitations) is to ensure that residential development is of a height compatible with adjoining or nearby development or development reasonably anticipated. In accordance with the requirements of clause 7.1, while the surround lots on Ruddick Circuit are currently undeveloped, there is no reason to believe that future developments along Ruddick Circuit will not comply with the requirements of clause 7.1, thereby resulting in buildings of considerably less height than that currently proposed. The proposed development therefore does not demonstrate compatibility with the height of development reasonably anticipated and as such is inconsistent with the purpose of clause 7.1. No special circumstances which justify the granting of consent in this regard are considered to have been provided. Furthermore, while likely resulting in a smaller house, there is no apparent reason why a dwelling could not reasonably be constructed on the subject site meeting the requirements of the NT Planning Scheme.

ACTION: Notice of Refusal

ITEM 10 DEVELOPMENT – THREE-STOREY SINGLE DWELLING EXCEEDING 8.5M IN HEIGHT WITH A REDUCED SIDE SETBACK.

**PA2009/1149 LOT 7731 (14) DUKE STREET, TOWN OF DARWIN
APPLICANT PAUL BAXTER**

Frankie Piesse and Keith Savage attended the meeting on behalf of the applicant Mr Savage tabled further drawings and information relating to the application

Submitters in attendance:
Pam Harris (spoke)
John Perrin (spoke) and Alice Burton
PG Murphy (spoke)

**RESOLVED
239/09**

That, pursuant to Section 53(c) of the *Planning Act*, the Development Consent Authority refuse consent for the application to develop Lot 7731 (14) Duke Street, Town of Darwin, for the purposes of a single dwelling in a three storey building exceeding the building footprint and envelope, and the 8.5m height limitation.

REASONS FOR THE RECOMMENDATION

1. As per Part 5 of Zone SD20 (Specific Use Darwin 20), if a single dwelling does not comply with the requirements of this paragraph it shall be permitted only with consent and the consent authority may consent only if it is satisfied that special circumstances justify the giving of consent. As the subdivision was specifically designed to allow development in accordance with the building envelope plan endorsed by Development Permit DP07/0312 showing maximum building heights of no more than 2 storeys in any instance (and making no reference to buildings being permitted to above 8.5 metres in height), and as the site was graded and contoured having consideration for the building envelope plan, no special circumstances are considered to exist which justify the granting of a variation to the maximum number of storeys specified by the building envelope endorsed under Development Permit DP07/0312 based on either the lot configuration/ alignment or the topography of the land in question.
2. As per Clause 2.5 of the NT Planning Scheme) if a single dwelling does not comply with the standards set out in Parts 4 & 5 of the Scheme it shall be permitted only with consent and the consent authority may consent only if it is satisfied that special circumstances justify the giving of consent. The current proposal exceeds the height limitations as prescribed by clause 7.1 (Residential Density and Height Limitations) by approximately 9% (.618m) for 48% of the length of the south boundary, and the three storey component of the building visually encroaches for 30% of the length of the east boundary, which is considered excessive and not justified in this instance as it would have a noticeable visual impact on the abutting sites to the south and the east.
3. While unlikely to adversely impact on the residents of Duke Street due to the proposed building being no more than 8.5 metres in height as viewed from this direction and due to the building being designed to maintain view corridors, the proposed development would appear as a building with a maximum height of 9.18 metres as viewed from future dwellings to be constructed on the adjoining sites to the south and as a 3 storey building as viewed from the future dwelling to be constructed on the adjoining site to the east. The purpose of clause 7.1 (Residential Density and Height Limitations) is to ensure that residential development is of a height compatible with adjoining or nearby development or development reasonably anticipated. In accordance with the requirements of clause 7.1, while the surround lots are currently undeveloped, there is no reason to believe that future developments will not comply with the requirements of clause 7.1, thereby resulting in buildings of considerably less height than that currently proposed. The proposed development therefore does not demonstrate compatibility with the height of development reasonably anticipated and as such is inconsistent with the purpose of clause 7.1. No special circumstances which justify the granting of consent in this regard are considered to have been

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provided. Furthermore, there is no apparent reason why a dwelling could not reasonably be constructed on the subject site meeting the requirements of the NT Planning Scheme.

ACTION: Notice of Refusal

ITEM 11 **DEVELOPMENT – CHANGES TO THE DEVELOPMENT APPROVED BY DP08/0865 FOR 26 X 1 AND 213 X 2 BEDROOM MULTIPLE DWELLINGS WITH SHOP/ RESTAURANT/ OFFICE AT GROUND AND FIRST FLOOR LEVELS, IN A 29 STOREY BUILDING INCLUDING BASEMENT CAR PARKING AND PARKING AT LEVELS 1 TO 5**

PA2009/1186 **LOTS 2387 & 2388 (39 & 41) WOODS STREET, TOWN OF DARWIN**
APPLICANT **GWELO DEVELOPMENTS**

Keith Savage, Evan Lynn and Bernie O’Connell attended the meeting on behalf of Gwelo Development

Submitters in attendance:
John Blockey (spoke)

RESOLVED
240/09

That, the Development Consent Authority determine to reduce the car parking requirement from 499 bays to 319 bays pursuant to clause 6.5.2 (Reduction in Parking Requirements) of the Northern Territory Planning Scheme, and to vary the requirements of clause 6.5.1 (Parking Requirements) and clause 6.5.3 (Parking Layout) of the Scheme and pursuant to section 53(b) of the *Planning Act*, alter the proposal and consent to the application as altered for the purpose of changes to the development approved by Development Permit DP08/0865 to allow for 26 x 1 and 213 x 2 bedroom multiple dwellings with shop/ restaurant/ office and ground and first floor level in a 29 storey building including basement car parking and parking at levels 1 to 5, subject to the following conditions:

CONDITION PRECEDENT

1. This condition supersedes condition 1 of Development Permit DP08/0865. 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.
2. This condition supersedes condition 2 of Development Permit DP08/0865. Prior to the commencement of works (including site preparation works), the owner/ developer is required to consult with the owner(s) of Lot 2382 (29) Woods Street to coordinate and provide a uniform podium building line to Woods Street to address the interface between the 2 buildings.

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3. This condition supersedes condition 3 of Development Permit DP08/0865. 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) the podium level height adjusted and provided with a blockwork wall or the like along its south-eastern side to improve the interface and level of privacy between the development and that on abutting Lot 2383 (29) Woods Street, as required as a result of Condition 2 of this permit;
 - (b) all building elements (other than street level awnings) located within site boundaries, unless otherwise agreed in writing by Darwin City Council;
 - (c) façade treatment to the rear podium wall (and southern podium wall if required) to reduce the visual bulk and mass of this wall and provide visual interest;
 - (d) provision of an additional 17 basement car parking spaces;
 - (e) details of upper level car park screening, to the satisfaction of the consent authority; and
 - (f) waste bin storage to Darwin City Council requirements.
4. Prior to endorsement of plans and prior to the commencement of works (including site preparation), the location, design and specifications for the proposed porte cochere shall be submitted for approval by the General Manager of Infrastructure, Darwin City Council, and all approved works constructed to Council's requirements at the applicant's expense, 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 shall:
 - (a) submit amended plans demonstrating all car parking and vehicle access complying with clause 6.5.3 (Parking Layout) of the NT Planning Scheme, or provide written confirmation from a qualified Traffic Engineer that the car parking spaces and access aisles comply with the minimum requirements of Australian Standard AS/NZS 2890.1:2004AS, in instances of non compliance with the minimum requirements of clause 6.5.3 (Parking Layout) of the NT Planning Scheme;
 - (b) submit amended plans and/ or provide written confirmation from a qualified Traffic Engineer that all ramp gradients comply with the minimum requirements of Australian Standard AS/NZS 2890.1:2004AS; and
 - (c) provide written advice from a suitably qualified person in respect to the location of the electricity substation and potential impacts on vehicles access, or relocate the electricity substation to a suitably appropriate alternative location which maintains a high level of active frontage at both ground and 1st floor level and minimises any adverse visual impact;

to the satisfaction of the consent authority.

GENERAL CONDITIONS

6. This condition supersedes condition 12 of Development Permit DP08/0865. Before the use commences the owner must, in accordance with section 70(3) of the *Planning Act*, provide 319 car parking bays. In accordance with section 70(5) of the Act, 10 of the 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.
7. This condition supersedes condition 13 of Development Permit DP08/0865. All car parking spaces shown on the endorsed plans for the multiple dwellings must be:
 - (a) provided within a common pool, either within a building lot which comprises the residential component of the development and its associated car parking, or within common property managed by the body corporate responsible for the residential component of the development; and
 - (b) available at all times for the exclusive use of the occupants of the development and their visitors and must be made available in a manner which provides flexibility in the provision/ allocation of parking, with each multiple dwelling owner/ occupier provided with the right to first refusal for a minimum of 1 parking bay within the development.
8. The development must not contain any decorative external illuminated features or flashing lights, and all external lighting must be designed, baffled and located so as to prevent any adverse impacts on adjoining or nearby land.
9. All conditions of Development Permit DP08/0865 and this permit must be met before the commencement of the use.

NOTES

1. In no circumstances will Council permit the temporary storage of garbage and recycling waste bins on the Woods Street road reserve for servicing purposes. The bins must always be serviced from the designated waste storage area within the property, with collection vehicles only permitted to enter and exit the property in a forward gear.
2. Notwithstanding the approved plans, proposed landscaping, footpaths and other works within the road reserve are subject to Council's approval and shall meet all Council's requirements to the satisfaction of the General Manager Infrastructure, Darwin City Council and at no cost to Council.
3. Notwithstanding the approved plans, any proposed awning is subject to Council's approval and shall meet all Council's requirements to the satisfaction of the General Manager Infrastructure, Darwin City Council and at no cost to Council.

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4. Interim Development Control Order (No. 18) is applicable to the site and prohibits the construction of any building or structure exceeding 90m above ground level including, but not limited to, plant, lightning rods and vegetation.

REASONS FOR THE RECOMMENDATION

1. The proposed mixed use 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 reduction in the car parking requirements specified by clause 6.5.1 (Parking Requirements) of the NT Planning Scheme under clause 6.5.2 (Reduction in Parking Requirements) of the Scheme, from 2 to 1.27 car spaces per dwelling (for a total of 304 parking bays for the 239 multiple dwellings) is supported in recognition of:
 - (a) data provided by a car parking study indicates that a rate of 1.27 car spaces per 1 and 2 bedroom dwellings is sufficient within the Darwin central business area;
 - (b) the proposal is for low cost housing; and
 - (c) all car parking will be within common property and available to all dwellings.
4. A reduction of 6 car parking bays based on 1 parking bay for every 3 motorcycle bays (to a maximum of 19 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 the on-site provision of parking spaces required under clause 6.5.1 (Parking Requirements) of the Northern Territory Planning Scheme is supported as a payment in lieu to the Darwin City Council for 11 parking bays (for the shop/ restaurant/ office uses) will ensure that parking will be made available in the locality in the long term, and as the provision of parking for commercial uses in a publicly accessible centralised pool promotes land use efficiency and improves availability of parking to the full community.
6. The requirement for the owner(s)/ developer to consult with the owners/ developer of Lot 2382 (29) Woods Street, Town of Darwin, and to adjust the podium level height, is considered necessary to provide for coordinated and uniform podium levels to enhance the interface of the 2 developments to Woods Street, to the best extent possible at the time of endorsement of plans.
7. The requirement for amended plans showing all building elements (other than street level awnings), or otherwise as required by Darwin City Council, will ensure consistence between the endorsed plans and Darwin City Council requirements.

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8. The requirement for amended plans showing the treatment of the rear podium to provide articulation to this facade wall will minimise expanses of blank walls as required by clause 8.2 (Commercial and other Development in Zone CB).
9. The requirement for amended plans showing provision of an additional 17 basement car parking spaces will ensure that the 1.27 car parking spaces considered appropriate for the multiple dwelling component of the development is fully accommodated for on-site.
10. The requirement for amended plans showing details of the proposed upper level car park screen will ensure the car park is appropriately screened in order to achieve outcomes sought by the Capital City Charter as referenced by clause 2.7 (Reference to Policy) of the NT Planning Scheme.
11. The requirement for amended plans showing waste bin storage details to Darwin City Council requirements will ensure the site is serviced to the requirements of the relevant servicing authority.
12. The requirement for a written report from a qualified traffic engineer in respect to the car spaces, access aisles and ramp gradients which do not comply with clause 6.5.3 (Parking Layout) of the NT Planning Scheme, and the appropriateness of the location of the electricity substation, will ensure that these aspects comply with the relevant Australian Standard and ensure that car parking and vehicle access will achieve the purposes of providing safe, convenient and functional car parking.
13. The requirement for car parking to be within a common pool within either the same building lot as the residential component or within common property managed by the body corporate responsible for the residential component of the development will:
 - (a) ensure that car parking is provided to service the use of the site as required by clause 6.5.1 (Parking requirements) of the NT Planning Scheme; and
 - (b) provide for cost effective and flexible car parking management arrangements by the body corporate which best serves the interests of the body corporate members and residents of the development, thereby minimising any likelihood of owners/ occupiers choosing to park off-site and adversely affecting the amenity of the area.

ACTION: Notice of Consent and Development Permit

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ITEM 12 **DEVELOPMENT – 95 SINGLE DWELLINGS WITH REDUCED FRONT SETBACKS
(LYONS STAGES 11A, 11B, 12A, 12B & 12C)**

PA2009/1159 **LOT 10368 (PROPOSED LOTS 10369 THROUGH 10372, 10374 THROUGH
10401, 10403 THROUGH 10457, 10459 THROUGH 10462 & 10464 THROUGH
10467) LEE POINT ROAD (LYONS), TOWN OF NIGHTCLIFF**

APPLICANT **ELTON CONSULTING**

Mrs Kim Leslie attended the meeting on behalf of Elton Consulting.

RESOLVED That, the Development Consent Authority vary the requirements of clause 7.3
241/09 (Building Setbacks of Residential Buildings and Pergolas, Carports and the Like) of the
NT Planning Scheme and, pursuant to section 53(a) of the *Planning Act*, consent to
the application to develop Lot 10368 (Proposed Lots 10369 through 10372, 10374
through 10401, 10403 through 10457, 10459 through 10462 & 10464 through
10467) Lee Point Road, Town of Nightcliff for the purpose of 95 single dwellings with
reduced front setbacks, subject to the following conditions:

1. Works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
2. The reduced front setback for a single dwelling approved by this permit can only be applied in conjunction with the increased side and/ or rear setbacks as shown on the plan 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 telecommunications services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

NOTE:

This permit approves a single dwelling with a reduced front and increased side and rear setbacks only. For land that can be developed for multiple dwelling purposes, 'Multiple Dwellings' are a discretionary use and any reduced setbacks will be considered in the context of clause 2.5 (Exercise of Discretion by the Consent Authority) which states that the Consent Authority may consent to the development of land that does not meet the standards set out in Parts 4 and 5 only if it is satisfied that special circumstances justify the giving of consent.

REASONS FOR THE RECOMMENDATION

1. A variation to clause 7.3 (Building Setbacks of residential Building and Pergolas, Carports and the Like) of the Northern Territory Planning Scheme is supported as the proposed development is consistent with all other relevant provisions of the Scheme for single dwellings on individual lots and only street setbacks are reduced. Side and rear setbacks are simultaneously increased in order to improve the visual and acoustic privacy between adjoining properties in addition to minimising building mass.
2. The proposed setbacks are consistent with approved setbacks for Stages 1 through 10 of the Lyons development and are unlikely to have an adverse impact on the streetscape or on the existing and future amenity of neighbouring properties, as the integrated varying street setbacks will facilitate the development of a cohesive streetscape unique to the Lyons development.

ACTION:

Notice of Consent and Development Permit

ITEM 13

DEVELOPMENT – SINGLE DWELLING WITH A REDUCED FRONT SETBACK (INCLUDING ONE SIDE SETBACK OUTSIDE THE BUILDING ENVELOPE APPROVED BY DEVELOPMENT PERMIT DP08/0202)

**PA2009/0985
APPLICANT**

**LOT 10078 MALTA CRESCENT, TOWN OF NIGHTCLIFF
PROJECT BUILDING CERTIFIERS**

Peter Durnis attended the meeting on behalf of project building certifiers.

**RESOLVED
242/09**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 10078, Town of Nightcliff, for the purpose of a single dwelling with a reduced front setback (including one side setback outside the building envelope approved by Development Permit DP08/0202), subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with drawing numbers PA2009/0985/1 through to PA2009/0985/6 endorsed as forming part of this permit.
2. 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.
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.

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4. 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.
5. 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.

6. 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.

7. 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.
8. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
9. 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.
10. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
11. 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.
12. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council to the satisfaction of the consent authority.

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REASONS FOR THE RECOMMENDATION

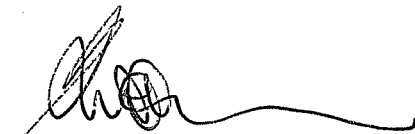
1. The proposed 5.7m setback demonstrates consistency with the setbacks of single dwellings in the immediate area, and is unlikely to have any adverse impact on the streetscape or amenity of the locality.
2. In support of a variation to Clause 7.3 (Building Setbacks of Residential Building and Pergolas, Carports and the Like) for the small portico portion of the building, it is considered that the reduced front setback of 4.135m is unlikely to have an adverse impact on the streetscape and amenity of the area as a number of other lots on the same street such as nearby Lot 10079 (48) Matla Crescent have a reduced front setback of 3m that has been approved under Development Permit DP08/202. Therefore, the 4.135m setback demonstrates consistency and continuity in the streetscape.

Furthermore, it should be noted that as a result in an error during the construction phase the east side is setback 1.5m from the side boundary whilst the west side is setback 2.95m from the side boundary. If the distances from both side boundaries are added and averaged each side setback is equal to 2.25m. As the required setback is 2.5m from the side boundary the reduction in the side setback of .25m is therefore, considered minor and unlikely to have any adverse impact.

ACTION:

Notice of Consent and Development Permit

SIGNED AS AN ACCURATE REPRESENTATION OF THE PROCEEDINGS



PETER MCQUEEN
Chairman

23 /9/09