

## DEVELOPMENT CONSENT AUTHORITY

### DARWIN DIVISION

### MINUTES

MEETING No. 123 – FRIDAY 6 FEBRUARY 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:** Margaret Macintyre (Secretary), Doug Lesh and Peter Sdraulig (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Apology

Meeting opened at 8.45am and closed at 2.15pm



- PA2007/1019** Investigation – Possible breach of NT Planning Scheme, Zone CP (Community Purpose) being used for private rental  
Section 2167 (94) Boulter Road, Hundred of Bagot
- RESOLVED** That the enforcement action be placed on hold pending the DCA’s determination of  
**05/09** the submitted development application.
- 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** That the Authority request that DAS monitor the site for compliance.  
**06/09**
- 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
- RESOLVED** The Authority request that DAS continue to work with legal services.  
**07/09**
- P2008/0459** Investigation – complaint in breach of DP approved for bed & breakfast had not completed car parking area prior to guests being received at the property  
Lot 3068 (9) Parsons Street, Town of Darwin
- RESOLVED** That the Authority request that no further action be taken.  
**08/09**
- P2009/0017** Investigation – compliant that Wagaman Shops are being used for accommodation purposes  
Lot 4054 (1) Wagaman Place, Town of Nightcliff
- RESOLVED** That the Authority request that Das monitor the site for the next month to ensure  
**09/09** compliance
- ITEM 3** **INFORMATION ITEM**  
**DELEGATED APPROVAL LISTING**
- RESOLVED** That the Authority noted the information.  
**10/09**



PA2008/0967      **ADDITION TO EXISTING SINGLE DWELLING OVER THE 8.5 METRE HEIGHT LIMITATION**  
**LOT 4935 (55) FLINDERS STREET, TOWN OF DARWIN**  
APPLICANT      **PROJECT BUILDING CERTIFIERS PTY LTD**

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

**RESOLVED**      That pursuant to section 86 of the *Planning Act*, the Authority delegates to the  
**14/09**              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 4935 (55) Flinders Street, Town Of Darwin for the purpose of addition to  
existing single dwelling over the 8.5 metre 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

PA2008/1010      **CARPORT ADDITION TO EXISTING MULTIPLE DWELLING (UNIT 1) WITH A REDUCED FRONT SETBACK**  
**LOT 3464 (UNIT 1/31) PARAP ROAD, TOWN OF DARWIN**  
APPLICANT      **COLLEEN CORDEN**

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

**RESOLVED**      That pursuant to section 86 of the *Planning Act*, the Authority delegates to the  
**15/09**              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 3464 (1/31) Parap Road, Town Of Darwin for the purpose of carport  
addition to existing multiple dwelling (Unit 1) with reduced front setback 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

PA2008/1011 MEZZANINE ADDITION TO AN EXISTING GENERAL INDUSTRY BUILDING  
SECTION 5470 (51) BENISON ROAD, HUNDRED OF BAGOT  
APPLICANT MICHAEL MAKRYLOS

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

**RESOLVED** That pursuant to section 86 of the *Planning Act*, the Authority delegates to the  
**16/09** 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 5470 (51) Benison Road, Hundred Of Bagot  
for the purpose of mezzanine addition to an existing general industry 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

PA2008/0957 SUBDIVISION TO CREATE 3 BUILDING LOTS AND COMMON PROPERTY  
(PROPOSED LOT 7610)  
LOT 7578 MCMINN STREET, TOWN OF DARWIN  
APPLICANT TOGA DARWIN NO 1

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

**RESOLVED** That pursuant to section 86 of the *Planning Act*, the Authority delegates to the  
**17/09** 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 7578 McMinn Street, (Proposed Lot 7610), Town Of Darwin for the  
purpose of subdivision to create 3 building lots and common property 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

PA2008/0931 VERANDAH ADDITION TO AN EXISTING MULTIPLE DWELLING (UNIT 11) WITH  
A REDUCED SIDE/REAR SETBACK  
APPLICANT LOT 9129 (11/1) CARTWRIGHT COURT, TOWN OF NIGHTCLIFF  
PATIO WORLD NT

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

RESOLVED  
18/09

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 9129 (11/1) Cartwright Court, Town Of Nightcliff for the purpose of verandah addition to an existing multiple dwelling (unit 11) with a reduced side/rear setback 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

PA2009/0004 VERANDAH ADDITION TO AN EXISTING MULTIPLE DWELLING (UNIT 7) WITH  
A REDUCED REAR SETBACK & ENCLOSURE OF A 1<sup>ST</sup> FLOOR VERANDAH AND  
OTHER MINOR CHANGES  
APPLICANT LOT 8920 (7/132) DICK WARD DRIVE, TOWN OF NIGHTCLIFF  
WILLIAM BRADLEY

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

RESOLVED  
19/09

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 8920 (7/132) Dick Ward Drive, Town Of Nightcliff for the purpose of verandah addition to an existing multiple dwelling (unit 7) with a reduced rear setback & enclosure of a 1<sup>st</sup> floor verandah and other minor changes 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

**PA2009/0009**      **VERANDAH ADDITION TO AN EXISTING MULTIPLE DWELLING (UNIT 7) WITH  
A REDUCED SIDE SETBACK  
LOT 9096 (7/107) OLD MCMILLANS ROAD, TOWN OF NIGHTCLIFF**  
**APPLICANT**      **MELISSA SHARMAN**

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

**RESOLVED**      That pursuant to section 86 of the *Planning Act*, the Authority delegates to the  
**20/09**      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 9096 (7/107) Old McMillans Road, Town Of Nightcliff for the purpose of  
verandah addition to an existing multiple dwelling (unit 7) with a reduced side  
setback 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

**PA2009/0012**      **REPLACEMENT OF EXISTING DEMOUNTABLE CARETAKERS RESIDENCE WITH A  
NEW DEMOUNTABLE CARETAKERS RESIDENCE  
LOT 5775 ALEC FONG LIM DRIVE, TOWN OF DARWIN**  
**APPLICANT**      **PROJECT BUILDING CERTIFIERS PTY LTD**

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

**RESOLVED**      That pursuant to section 86 of the *Planning Act*, the Authority delegates to the  
**21/09**      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 5775 Alec Fong Lim Drive, Town Of Darwin for the purpose of  
replacement of existing demountable caretakers residence with a new demountable  
caretakers residence 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

**PA2009/0015**      **GARDEN SHED ADDITION TO EXISTING SINGLE DWELLING WITH REDUCED  
FRONT SETBACKS TO THE PRIMARY AND SECONDARY STREETS  
LOT 8942 (6) OMEO STREET, TOWN OF NIGHTCLIFF**  
**APPLICANT**      **ERICH SHALLMEINER**

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

**RESOLVED  
22/09**

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 8942 (6) Omeo Street, Town Of Nightcliff for the purpose of garden shed addition to existing single dwelling with reduced front setbacks to the primary and secondary streets 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

**PA2009/0028**

**VERANDAH ADDITION TO EXISTING SINGLE DWELLING WITH REDUCED FRONT SETBACKS TO THE PRIMARY AND SECONDARY STREETS  
LOT 3530 (5) MURRAY STREET, TOWN OF DARWIN**

**APPLICANT**

**GHD PTY LTD**

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

**RESOLVED  
23/09**

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 3530 (5) Murray Street, Town of Darwin for the purpose of verandah addition to existing single dwelling with reduced front setbacks to the primary and secondary streets 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

**PA2009/0030**

**BALCONY ADDITION TO EXISTING MULTIPLE DWELLING (UNIT 8) WITH A REDUCED FRONT SETBACK  
LOT 2008 (18) HENRY STREET, TOWN OF DARWIN**

**APPLICANT**

**CARLIE SINCLAIR**

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

**RESOLVED  
24/09**

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 2008 (18) Henry Street, Town of Darwin for the purpose of balcony addition to existing multiple dwelling (unit 8) with a reduced front setback 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

**PA2009/0022**     **EXTENSIONS TO EXISTING COMMUNITY CENTRE  
LOT 4331 (147) LEE POINT ROAD, TOWN OF NIGHTCLIFF**  
**APPLICANT**     **SOMERVILLE FOUNDATION INC**

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

**RESOLVED**     That pursuant to section 86 of the *Planning Act*, the Authority delegates to the  
**25/09**             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 4331 (147) Lee Point Road, Town of Nightcliff for the purpose of  
extensions to existing community centre 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

**PA2009/0020**     **ERECTION OF FOUR FLOODLIGHT POLES EACH EXCEEDING THE 8.5M HEIGHT  
LIMITATION (20 METRES)**  
**APPLICANT**     **LOT 6836 (10-54) SALONIKA STREET, TOWN OF DARWIN  
ST JOHN'S COLLEGE**

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

**RESOLVED**     That pursuant to section 86 of the *Planning Act*, the Authority delegates to the  
**26/09**             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 6836 (10-54) Salonika Street, Town of Darwin for the purpose of  
erection of 4 floodlight poles each exceeding the 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

ITEM 5  
PA2008/0982

**CHANGES TO THE DEVELOPMENT APPROVED BY DP08/0373 TO CHANGE A 4  
BEDROOM DWELLING TO 2 X 3 BEDROOM DWELLINGS ON LEVEL 9 AND  
CHANGES TO CARPARKING AND VEHICLE ACCESS AND OTHER INTERNAL AND  
EXTERNAL ALTERATIONS**

APPLICANT

**LOTS 3762 & 3763 (1 & 2) DASHWOOD PLACE, TOWN OF DARWIN  
KIM ENTERPRISES PTY LTD**

Mr Don Gordon (Architect) and Mr Michael Milatos (part owner) attended the meeting.

Mr Andrew Karl Schulze (submitter) attended the meeting)

RESOLVED  
27/09

That, the Development Consent Authority vary the requirements of clause 6.5.1 22/09 (Parking Requirements) of the Northern Territory Planning Scheme and pursuant to section 53(b) of the *Planning Act*, alter the proposal and consent to the application as altered to develop Lots 3762 & 3763 (1 & 2) Dashwood Place, Town of Darwin for the purpose of changes to the development approved by Development Permit DP08/0373 to change a 4 bedroom dwelling to 2 x 3 bedroom dwellings on level 9, changes to car parking and vehicle access and other internal and external modifications, subject to the following conditions:

**CONDITION PRECEDENT**

1. This condition supersedes Condition 1 of Development Permit DP08/0373. Prior to the commencement of works (including site preparation) a full set of amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - (a) deletion of car parking space numbers 1 & 11;
  - (b) provision of a prominent and readily identifiable entrance, to at least one street, for the residential component of the development, with convenient, unobstructed and clearly defined pedestrian access to the lift lobby;
  - (c) provision of a fence or gates to the void area appurtenant to the water storage and pump room to prevent persons entering this area which, in either case, is designed to provide a visual screen to this area;
  - (d) the location and screening of all the air conditioners so that they are not visible from outside of the site;
  - (e) a landscape plan and associated planting schedule specifying plant species and quantities, for all landscaped areas including the roof top area;
  - (f) screening of the fire booster pump within the Dashwood Place East property frontage, in consultation with and the agreement of Power and Water Corporation;
  - (g) improved resident access to the 'shared communal landscape area' on the rooftop terrace level from the lift lobby which serves to clearly identify the entrance as being that which is communally accessible; and

- (h) redesign of the dividing walls on the rooftop terrace level serving to provide unobstructed communal access to those areas indicated as 'shared communal landscaped area'.

## GENERAL CONDITIONS

- 2. This condition supersedes Condition 3 of Development Permit DP08/0373. Before the use commences the owner must, in accordance with section 70(3) of the *Planning Act* provide 59 parking bays. In accordance with section 70(5) of the Act, 2 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.
- 3. Works carried out under this permit shall be in accordance the plans endorsed as forming part of this permit.
- 4. The entire 'rooftop communal landscape area' as shown on the plans, must remain available at all times for the benefit of all residents within the development and access to the communal area shall not be restricted at any time.
- 5. All conditions of Development Permit DP08/0373 and this permit must be met before the commencement of the use.

## REASONS FOR THE DECISION

- 1. The proposed development is consistent with the purpose of Zone CB (Central Business) of the NT Planning Scheme.
- 2. The requirement for amended plans to delete 2 car parking spaces will improve the visual amenity of the development as viewed from the Dashwood Place East and Dashwood Place West street frontages, and ensure that car parking achieves a higher level of consistency with the requirements of clause 6.5.3 (Parking Layout) of NT Planning Scheme.
- 3. A variation to the on-site provision of parking spaces required under clause 6.5.1 (Parking Requirements) of the Northern Territory Planning Scheme for the provision of 2 car parking bays associated with the restaurant component of the development is supported, as a payment in lieu to the Darwin City Council for 2 spaces 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.
- 4. The requirement for amended plans to show a readily identifiable entrance to the residential component of the development, and provided with an unobstructed and clear access to the lift lobby will ensure an appropriate entrance and access for residents and visitors to the multiple dwellings.

5. The requirement for amended plans showing, landscaping, and the location and screening of air conditioners will ensure these matters are appropriately addressed as previously approved under Development permit DP08/0373.
6. The requirement for amended plans showing a fence or gates to the void area along Dashwood Place West will restrict access to this area and avoid any entrapment areas, and ensure the area is screened to improve the visual amenity of development.
7. The requirement for amended plans showing screening of the fire booster pump will ensure that it does not cause visual detriment to the streetscape.
8. The requirement for amended plans showing redesign of the rooftop communal landscape area and its access (as well as Condition 4 above) is required in order to ensure that the areas are not only utilised as open space areas for residents of the top floor, but remain as functional communal open space for the benefit of all residents within the development.

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

**ITEM 6**  
**PA2008/0959**

**CHANGES TO THE DEVELOPMENT APPROVED BY DP08/0362 FOR NEW SERVICE VEHICLE ACCESS AND PORTE COCHERE, REDUCED OFFICE FLOOR AREA AND CHANGES TO PRIVATE OPEN SPACE AREAS LOT 664 (108) THE ESPLANADE, TOWN OF DARWIN**  
**BELL GABBERT ASSOCIATES**

**APPLICANT**

Mr Mark Bell (Bell Gabbert Associates) attended the meeting and showed members coloured perspectives of the previous approval and current application.

**RESOLVED**  
**28/09**

That, the Development Consent Authority vary the requirements of clause 6.5.3 (Parking Layout) of the Northern Territory Planning 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 DP08/0362 for new service vehicle access and porte cochere, reduced office floor area, changes to private open space areas and other internal and external alterations to the development comprising 36 x 3 bedroom multiple dwellings and ground level offices in a 10 storey building plus 2 levels of basement car parking, subject to the following conditions:

**CONDITION PRECEDENT**

1. This condition supersedes Condition 1 of Development Permit DP08/0362. 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 the treatment of the footpath where it crosses the driveway accesses to the site serving to differentiate the footpath from the driveways 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.

2. 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. Works carried out under this permit shall be in accordance the plans endorsed as forming part of this permit.
4. All conditions of Development Permit DP08/0362 and this permit must be met before the commencement of the use.

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

1. The proposed development is consistent with the purpose of Zone CB (Central Business) of the NT Planning Scheme.
2. A variation to clause 6.5.3 (Parking Layout) of the NT Planning Scheme for a reduced access aisle width is supported as the access aisles are one way aisles designed in accordance with the minimum widths specified in the Australian Standard AS/NZS 2890.1:2004 and will achieve the purposes of providing safe and convenient parking.
3. The requirement for amended plans showing the treatment of the footpath across the driveway will improve safety for pedestrians within the footpath appurtenant to the site.
4. The requirement for a schematic stormwater drainage plan will ensure this issue is addressed in a satisfactory manner to the requirements of Darwin City Council.

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

**ITEM 7** **SHOWROOM SALES, OFFICE AND STORAGE AREA IN 3 NEW BUILDINGS,**  
**PA2008/0375** **CHANGES TO THE CARPARKING LAYOUT AND PROVISION OF ADDITIONAL**  
**UNDERCOVER PARKING**  
**LOTS 9585 & 8634 (356 & 15) BAGOT ROAD & FITZGERALD ROAD, TOWN OF**  
**NIGHTCLIFF**  
**APPLICANT** **BELL GABBERT ASSOCIATES**

Mr Mark Bell (Bell Gabbert Associates) attended the meeting and showed the members coloured perspectives.

**RESOLVED  
29/09**

That, the Development Consent Authority determine to reduce the car parking requirements pursuant to clause 6.5.2 (Reduction in Parking Requirements) from 587 to 501, and grant a variation to the requirements of clause 6.6 (Loading Bays) and clause 4 of Zone SD4 (Specific use Darwin No 4) of the Northern Territory Planning Scheme, and pursuant to section 53(b) of the Planning Act, alter the application and consent to the application as altered to develop Lots 9485 and 8634 (Bagot Road and Fitzgerald Street), Town of Nightcliff for showroom sales, offices, restaurant with alfresco dining and storage additions, subject to the following conditions:

#### **CONDITION PRECEDENT**

1. 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 schematic plan showing the collection and discharge of stormwater to Council's drainage system to Darwin City Council's requirements;
  - the provision of an upgraded electrical substation meeting Power and Water Corporation's requirements; and
  - details of proposed landscaping within the 9 metre buffer along the southern boundary of Lot 8634 meeting the requirements of Zone SD4 (Specific use Darwin No 4) clause 4 including plant species, quantities and size at maturity.

#### **GENERAL CONDITIONS**

2. Works carried out under this permit shall be in accordance 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 plans in accordance with the authorities' requirements and relevant legislation at the time.
4. Storm water is to be collected and discharged into the drainage network to the technical standards of and at no cost to Darwin City Council, to the satisfaction of the consent authority.
5. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
7. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
8. The owner shall:
  - (a) remove disused vehicle and/ or pedestrian crossovers;

- (b) provide footpaths/ cycleways;
  - (c) collect stormwater and discharge it to the drainage network; and
  - (d) undertake reinstatement works;
- all to the technical requirements of and at no cost to the Darwin City Council, to the satisfaction of the consent authority.

9. Before the use or occupation of the development starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:

- (a) constructed;
- (b) properly formed to such levels that they can be used in accordance with the plans;
- (c) surfaced with an all-weather-seal coat;
- (d) drained,
- (e) line marked to indicate each car space and all access lanes; and
- (f) clearly marked to show the direction of traffic along access lanes and driveways;

to the satisfaction of the consent authority.

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

- 10. The car parking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their visitors.
- 11. 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
- 12. 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.
- 13. 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.
- 14. 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.
- 15. No goods are to be stored or left exposed outside the buildings so as to be visible from any public street.
- 16. The loading and unloading of goods from vehicles must only be carried out on the land.
- 17. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council to the satisfaction of the consent authority.

## Notes:

1. Notwithstanding the approved plans, all signage is subject to Darwin City Council approval, at no cost to Council.
2. Notwithstanding the approved plans, the demonstrated awning in Darwin City Council's road reserve is subject to Council approval at no cost to Council.
3. Notwithstanding the approved plans, any landscaping works within Council's road reserve are subject to Council's approval.

## REASONS FOR THE DECISION

1. The proposal is generally consistent with the purpose of SD4 (Specific use Darwin No 4) which has the objective to facilitate the use and development of the land for a limited range of residential and commercial activities.
2. A reduction in the parking requirements under clause 6.5.2 (Reduction in Parking Requirements) is supported as:
  - The traffic study shows the parking accumulation survey results with weekly average of 80% capacity at peak parking accumulation times;
  - there is a significant amount of car parking which is currently underutilised and which can adequately cater for the new development;
  - the new development proposal would result in an increase from 84.98% to 85.35% of the car parking bays that would normally be required; maintaining the percentage ratio of car parking bays provided for the current development; and
  - improved internal design and traffic flow will facilitate safe and easy car parking access.
4. A variation to clause 6.6 (Loading Bays) is supported as the 4 general loading bays will be adequate given the size and nature of the development, and that a requirement for a specified loading bay within each showroom sales premises would result in unnecessary reduction in floor areas. Furthermore, the provision of shared loading bays in a central location for use by tenants will achieve a more convenient system of deliveries to the site.
5. The requirement for amended plans showing schematic drainage details and location of an upgraded electricity substation easement will ensure the site is serviced to the requirements of the relevant service authorities.
6. There is provision of landscaping along the boundary of the car parking area, and a horizontal slat screening fence across the top of the retaining wall along the eastern property boundary in order to provide screening

to Millner Primary School as required in accordance with the provisions of Zone SD4 (Specific use Darwin No 4) clause 5.

7. Amended plans showing landscaping along the southern boundary of Lot 8634 meeting the requirements of Zone SD4 (Specific use Darwin No 4) clause 4 are required in order to ensure the amenity of abutting residential land is not compromised.
8. A variation to the requirements of clause 4 of Zone SD4 (Specific use Darwin No 4) to allow a small portion of the buffer to be only 6 metres is supported as it will allow vehicle access to the proposed parking area and is unlikely to have any adverse impact on the amenity of adjoining dwellings on Brayshaw Crescent.

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

**ITEM 8**  
**PA2008/0960**  
**APPLICANT**

**STOCKPILING OF FILL**  
**LOTS 4244 & 6663 TIGER BRENNAN DRIVE, TOWN OF DARWIN**  
**BELL GABBERT ASSOCIATES**

Mr Mark Bell (Bell Gabbert & Associates) attended the meeting.

**RESOLVED**  
**30/09**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consents to the application for temporary stockpiling of fill on Lots 6663 and 4244, Town of Darwin, subject to the following conditions:

**CONDITION PRECEDENT**

1. Prior to the commencement of works an amended Erosion and Sediment Control Plan must be submitted. When approved, the plan will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans submitted with the application but modified to:
  - indicate that the stockpile is to be progressively hydro-mulched and that temporary reticulation is installed to assist germination to the requirements of NRETAS;
  - indicate the location of the sediment basin and silt traps to the requirements of the department of Health and Families, Medical Entomology Division; and
  - clearly identify the "No-Go" areas on the plan to the requirements of NRETAS to the satisfaction of the consent authority.

**GENERAL CONDITIONS**

2. Works are to be carried in accordance with plans endorsed as part of this permit.
3. Stockpiling of fill and associated works are not to commence until after the current Wet Season (April/May 2009) and completed and stabilized prior to 31 September 2009.

4. Once the stockpile is removed, the site is to be reinstated to a condition similar to current conditions.
5. Any Darwin City Council drain within the vicinity of the site is to be kept clear of any sediment runoff from the stockpile to the satisfaction of the consent authority.
6. Any developments on or adjacent to any easements on site shall be carried out to the requirements and satisfaction of the relevant service authority.
7. Haulage of the fill to the stockpile location shall only be via the temporary access track.
8. All fill to be removed within three years of the date of issue of any permit.

**Notes:**

1. Care should be taken to ensure that noise emissions from the operation comply with the 'AS 2436-1981 – Guide to Noise Control from Construction, Maintenance and Demolition sites'.
2. Care should be taken to prevent Gamba Grass (*Andropogon gayanus*) and Mission Grass (*Pennisetum pedicellatum*) weeds identified on the site, to spread to other sites.

**REASONS FOR THE DECISION**

1. The temporary use of the sites for stockpiling will not compromise the future use of the sites under the respective zones PS (Public Open Space), FD (Future Development) and PM (Proposed Main Road).
2. With the implementation of an Erosion and Sediment Control Plan the proposal will comply with clause 6.16 (Excavation and Fill) of the NT Planning Scheme. It is considered that the proposed works will not detrimentally impact on the environment or amenity of the locality and will not create additional mosquitoes breeding areas.

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

**ITEM 9**  
**PA2008/0951**

**EXTENSION OF GROUND LEVEL GAMING ROOM AND ADDITION OF  
OUTDOOR DECKS TO THE EXISTING CASINO  
LOT 5244 (1) CASINO DRIVE, TOWN OF DARWIN  
JUNE D'ROZARIO AND ASSOCIATES PTY LTD**

**APPLICANT**

Ms June D'Rozario (June D'Rozario & Associates) attended the meeting and tabled a response to the DAS report and a carpark plan.

**RESOLVED**  
**31/09**

That pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consents to the application to develop Lot 5244, (1) Casino Drive, Town of Darwin for the purpose of extending the existing ground level gaming floor and to

construct two outdoor decks adjacent to the gaming floors, 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:
  - The amended car parking layout as tabled at the DCA meeting by the applicant, and which show redesign of the northernmost two car parking areas as tabled (having 46 and 76 bays) on all plans including the site plan for the entire property, and
  - Specific reference on the plans which indicates "no food or beverage services" are permitted on the two outdoor decks.

#### **GENERAL CONDITIONS**

2. The works carried out under this permit shall be in accordance with drawings endorsed as forming part of this permit.
3. Storage for waste disposal bins is to be provided to the requirements and satisfaction of Darwin City Council.
4. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the buildings.
5. Before the use or occupation of the development starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
  - (a) constructed;
  - (b) properly formed to such levels that they can be used in accordance with the plans;
  - (c) surfaced with an all-weather-seal coat; and
  - (d) drained; and
  - (e) line marked to indicate each car space; to the satisfaction of the consent authority.Car spaces, access lanes and driveways must be kept available for these purposes at all times.
6. Parking signs to the satisfaction of the consent authority must be provided directing drivers to the areas set aside for car parking and must be located and maintained to the satisfaction of the consent authority. The area of each sign must not exceed 0.3 square metres.

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.
8. Electrical reticulation to the site to be provided to the requirements and satisfaction of Power and Water Corporation at no cost to that Corporation.
9. Water reticulation to the site and sewage disposal from the site to be provided to the requirements and satisfaction of Power and Water Corporation at no cost to that Corporation.
10. Waste bin storage shall be provided in accordance with Council guidelines.
11. The decks 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 Chairman, Development Consent Authority.
12. All air conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the Chairman, Development Consent Authority.
13. Notwithstanding the approved plans, any signage is subject to separate Council approval.

**Note:**

Car parking requirements for the proposed 192m<sup>2</sup> gaming area and 110m<sup>2</sup> deck was determined by the Development Consent Authority to be 31 bays (20 for the gaming area and 11 for the deck area). The outdoor deck is best considered as similar to 'leisure and recreation' thereby generating a requirement for 10 bays per 100m<sup>2</sup>. The gaming area was previously determined by the DCA to generate car parking at a standard of 1 space for every 2 gaming machines. In this previous instance a total of 207 machines on a floor area of 1100m<sup>2</sup> was determined to generate a parking requirement of 104 spaces, which is similar to 10 spaces for every 100m<sup>2</sup> therefore requiring provision of a total of 20 spaces. The proposal provides an additional 45 car parking spaces in total and therefore the development is provided with an excess of 14 spaces.

**REASONS FOR THE DECISION**

1. The proposal is generally consistent with the provisions of the NT Planning Scheme and the purpose of Zone TC (Tourist Commercial) to provide for uses or development servicing tourism, including commercial and residential activities.
2. There are no objections to the proposed development and it complies with all the relevant provision of the NT Planning Scheme.
3. Specific reference on the plans which indicates "no food or beverage services" for the two outdoor decks is required in order to ensure the areas do not function as a beer garden or bar, but instead as 'leisure and

recreation' as advised by the applicant thereby generating a parking requirement of 10 bays per 100m<sup>2</sup> of area rather than 16 bays per 100m<sup>2</sup> for a beer garden.

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

**ITEM 10** **DAYTIME CARPAKING AND EVENING MARKET**  
**PA2008/0950** **LOT 620 (99) MITCHELL STREET, TOWN OF DARWIN**  
**APPLICANT** **JUNE D'ROZARIO AND ASSOCIATES PTY LTD**

Ms June D'Rozario (June D'Rozario & Associates) attended the meeting and tabled a plan showing the proposed use of the carpark for evening market stalls.

Submitter Mr David Swift attended the meeting.

**RESOLVED**  
**32/09**

That the Development Consent Authority determine to reduce the car parking requirement from 27 to 11 car spaces pursuant to clause 6.5.1 (Parking Requirements) and to vary clause 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme, and pursuant to section 53(b) of the *Planning Act*, alter the proposal and consent to the application as altered to develop Lot 620, (99) Mitchell Street, Town of Darwin for the purpose of daytime car parking and temporary night market subject to the following conditions:

#### **CONDITIONS PRECEDENT**

1. Prior to the commencement of the development of the site for a daytime car park and temporary night market an amended site plan must be submitted. When approved, the plan will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - provision and location of waste bin facilities for the proposed night market; and
  - the market area clearly delineated.
2. Prior to the commencement of works (including site preparation), the applicant is to provide information demonstrating how the market stalls will be located in position as indicated in the plan, and re-coupled with vehicles for a forward exit from the site to the satisfaction of the consent authority.
3. 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**

4. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.

5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
6. Storm water is to be collected and discharged into the drainage network to the technical standards of and at no cost to Darwin City Council, to the satisfaction of the consent authority.
7. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
8. The 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.
9. The owner shall:
  - (a) remove disused vehicle and/ or pedestrian crossovers;
  - (b) provide footpaths/ cycleways;
  - (c) collect stormwater and discharge it to the drainage network; and
  - (d) undertake reinstatement works;
 all to the technical requirements of and at no cost to Darwin City Council to the satisfaction of the consent authority.
10. 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;
 to the satisfaction of the consent authority.  
 Car spaces, access lanes and driveways must be kept available for these purposes at all times.
11. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
12. 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.
13. 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.

14. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council to the satisfaction of the consent authority.
15. The toilet block on Lot 621 must be made available for use to the traders and patrons of the market.
16. Loading and unloading of goods from vehicles must only be carried out on the land.
17. No more than 11 stalls are permitted on the site at any one time.
18. Soil erosion and dust control measures must be employed throughout the construction and operational stages of the development to the satisfaction of the consent authority.
19. The use of the site as a night market is to cease three years from the date of this permit.
20. Trading for all stalls is to cease at 10:30pm at the latest.

**Notes:**

1. All food businesses in the Northern Territory must be registered with the Department of Health and Families, Environmental Health Unit and must comply with the *NT Food Act 2004* and the *National Food Safety Standards: Standard 3.1.1. Interpretation and Application, Standard 3.2.2 Food Safety Practices and General Requirements and Standard 3.2.3. Food Premises and Equipment*.
2. Each individual Food Stall will need to apply to the Department of Health and Families Environmental Health Unit for approval to operate.

**REASONS FOR THE DECISION**

1. The proposed development is consistent with the objective of Zone CB which seeks to provide for a diversity of activities including entertainment and other business activities.
2. The proposal would provide a practical use for an otherwise vacant piece of land and should improve the appearance of the site and enhance the safety of the public realm.
3. A reduction in the car parking requirements specified by clause 6.5.1 (Parking Requirements) of the NT Planning Scheme is supported under clause 6.5.2 (Reduction in Parking Requirements) of the Scheme in recognition that:
  - the night market will provide food and other retailing to tourists and people who are already in the area, and the size and the limited number of stalls is unlikely to attract people from outside the area; and

- the surrounding street network and other car parking in the area are capable of accommodating any demand for car parking at this time of the night.
- 4. The requirement for amended plans showing waste bin disposal, storage and collection details will ensure this issue is satisfactory to the requirements of Darwin City Council.
- 6. The requirement for details to show how the stalls will be located on site and removed from the site in a functional manner will ensure all vehicles can enter and exit in forward direction as required by clause 6.5.3 (Parking Layout) of the NT Planning Scheme.
- 7. The requirement for a schematic plan demonstrating how stormwater will be collected and discharged underground to the Council's drainage network will ensure this issue is satisfactory to the requirements of Darwin City Council.
- 8. Soil erosion and dust control measures are required to be employed throughout the construction and operational stages of the development to the satisfaction of the consent authority in order to ensure there is no adverse impact on the amenity of the surrounding area.
- 9. Trading for all stalls is to cease at 10:30pm at the latest in order to ensure there is no adverse impact on the amenity of the surrounding area.

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

**ITEM 11  
PA2008/0792**

**3 STOREY SINGLE DWELLING EXCEEDING 8.5 M HEIGHT LIMITATION WITH A  
REDUCED FRONT SETBACK**

**APPLICANT**

**LOT 4923 (52) CHARLES STREET, TOWN OF DARWIN  
THE RED SHED**

Mr Darron Lyons (The Red Shed) attended the meeting.

**RESOLVED  
33/09**

That the Development Consent Authority vary clause 7.3 (Building Setbacks of Residential Buildings and Pergolas, Carports and the Like) and clause 7.1 (Residential Density and Height Limitations) of the Northern Territory Planning Scheme and, pursuant to section 53(a) of the Planning Act, consents to the application to develop Lot 4923 (52) Charles Street, Town of Darwin, for the purpose of alterations and additions to an existing single dwelling, subject to the following conditions:

1. The works carried out under this permit shall be in accordance with the drawings numbered TRS 07-12-5 and TRS 07-12-8 through to TRS 07-12-13, endorsed as forming part of this permit.
2. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.

3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity, gas and telecommunication services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. Storm water is to be collected and discharged into the drainage network to the technical standards and of at no cost to Darwin City Council to the satisfaction of the consent authority.
5. 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.

**Note:**

It is also noted that the proposed dwelling has the potential of 7 bedrooms (2 at lower ground floor level, 4 at ground floor level, and 1 on the upper floor level), has 4 bathrooms, and a lounge / dining / kitchen area on each level. This property therefore has the potential of accommodating more than one standard family. It should be pointed out that any use of the building as a multiple dwelling is strictly prohibited and the use of part of the building for the purpose of a dependant unit exceeding 50m<sup>2</sup> in size would require the consent of the Authority. No such approval is being sought at this time.

**REASONS FOR THE DECISION**

1. The proposed development is consistent with the primary purpose of Zone SD (Single Dwelling) to provide for single dwellings on individual lots.
2. A variation to clause 7.3 (Building Setbacks of Residential Buildings and Pergolas, Carports and the Like) is supported as the carport is located on the outside of an elbow bend of the road and is set back significantly from the street kerb line. Any adverse impact on the streetscape is therefore considered to be unlikely. A solid rendered blockwork wall is proposed between the neighbouring property and the carport in order to provide privacy screening and minimise the impact on the amenity of the neighbouring property.
3. A variation to the requirements of clause 7.1 (Residential Density and Height Limitations) is supported since the proposed upper floor extension covers only a section of the main floor level and is unlikely to have any adverse impact on the on the amenity of the neighbouring property.
4. The dwelling is situated on a site that along the road frontage flat, but then has a dramatic 3.5m fall to the rear of the site which limits options for the proposed additions.

5. When viewed from the front (Charles Street) and the west the building appears to be only 2 storeys and compliant with the height limitation requirements (7.8m and 8.2m). There is also significant existing landscaping to the front of the property, therefore the proposal will not have any impact on the streetscape.

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

**ITEM 12**  
**PA2008/0952**  
**APPLICANT**

**2 X 4 BEDROOM MULTIPLE DWELLINGS IN A 2 STOREY BUILDING**  
**LOT 6742 (21) VILLAFLORES CRESENT, TOWN OF DARWIN**  
**RAW DESIGN**

Mr Rob Watt (Raw Designs) send his apologies he is unable to attend the meeting.

**RESOLVED**  
**34/09**

That, the Development Consent Authority vary the requirements of clause 7.3 (Building Setbacks of Residential Buildings and Pergolas, Carports and the Like) and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 6742 (21) Villaflor Crescent, Town of Darwin for the purpose of 3 x 4 bedroom multiple dwellings in a two storey building subject to the following conditions:

1. The works carried out under this permit shall be in accordance with the drawing numbers 0885-SK1 to 0885-SK5 dated Nov '08 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. Storm water is to be collected and discharged into the drainage network to the technical standards of and at no cost to Darwin City Council, to the satisfaction of the consent authority.
4. 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 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.
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,
  - (e) line marked to indicate each car space and all access lanes;And to the satisfaction of the consent authority.

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

8. 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.
9. 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.
10. 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.
11. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
12. 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.
13. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council to the satisfaction of the consent authority.

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

1. The proposal to construct 2 x 4 bedroom multiple dwellings in a two storey building is consistent with the purpose of Zone MD (Multiple Dwellings Residential) which is to 'provide for a range of housing options to a maximum height of two storeys and the scale, character and architectural style of infill development should be compatible with the streetscape and surrounding development.'
2. A variation to Clause 7.3 (Building Setbacks of Residential Buildings and Pergolas, Carports and the Like) of the NT Planning Scheme is supported as the reductions will not adversely affect the amenity of adjoining properties and adequate screening is provided by both an existing and proposed 1.8 metre block work wall, and the window along the side

boundaries on level 2 have been placed at 1.5m above the internal floor level.

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

**ITEM 13**                    **4 X 3 BEDROOM MULTIPLE DWELLINGS IN 2 X 2 STOREY BUILDING**  
**PA2008/0961**            **INCLUDING CAR STACKER PARKING**  
**APPLICANT**            **LOT 1340 (6) CHAPMAN COURT, TOWN OF NIGHTCLIFF**  
**GHD PTY LTD**

DAS tabled an addendum to the DAS report.

Ms Maria Wauchope (GHD Pty Ltd ) and Mr mark Spazzapan (owner) attended the meeting Thye tabled the following documents:  
eight photographs;  
information on Fytowall (vertical gardens);  
information pack on multiparking;  
a site plan/ground floor plan;  
a response to submissions received; and  
a copy of advice from Power/water.

Submitters Mr Neil and Mrs Glenda Stripling attended the meeting.

**RESOLVED**  
**35/09**

That, the Development Consent Authority vary the requirements of clauses 7.3 (Building Setbacks for Residential Buildings and Pergolas, Carports and the Like), 6.5.3 (Parking Layout) and 7.6 (Communal Open Space) of the Northern Territory Planning Scheme and pursuant to section 53(a) of the *Planning Act*, consents to the application to develop Lot 1340 (6) Chapman Court, Town of Nightcliff for the purpose of 4 x 3 bedroom multiple dwellings in 2 x 2 storey buildings, subject to the following conditions:

1. The works carried out under this permit shall be in accordance with the drawings numbered 08H-032 A01 1 through 3 and FW 10.1 and FW 10.2, 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 and telecommunications 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.
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 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; and
  - (d) drained,to the satisfaction of the consent authority.  
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
7. 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.
8. 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.
9. 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.
10. Sight lines shall be provided at crossovers to public street to the requirements of the Director Technical Services, Darwin City Council, to the satisfaction of the consent authority. 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. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
12. All balconies are to be internally drained and discharge is to be disposed of at ground level and in a manner consistent with storm water disposal arrangements for the site to the satisfaction of the consent authority.
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. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council to the satisfaction of the consent authority.

## REASONS FOR THE DECISION

1. The proposal is consistent with the purpose of Zone MD (Multiple Dwelling Residential) which is to 'provide for a range of housing options to a maximum height of two storeys'.
2. A variation to clause 6.5.2 (Parking Layout) is supported as the car stacker provides adequate car parking on site and by utilising the car stacker there is more land available for private open space thereby reducing issues with regard to heat loading associated with large areas of concrete, and providing a heightened level of amenity for future residents of the development. Furthermore, the proposed development could technically accommodate 5 units in accordance with the requirements of clause 7.1 (Residential Density and Height Limitations), and as it is only proposed to provide 4 units on the site, thereby demonstrating that the car stacker is not being utilised to increase the density to which the site could be developed.
3. A variation to clause 7.3 (Building Setbacks of Residential Buildings and Pergolas, Carports and the Like) of the Northern Territory Planning Scheme for reduced side setbacks is supported for the northern boundary as the buildings are set back a minimum of 3 metres and it is only by virtue of the buildings being longer than 18 metres that an additional setback is required. Furthermore, the buildings are well articulated thereby reducing the visual mass of the buildings, and the ground floor living areas are screened from neighbours by a 1.8m solid fence and landscaping.
4. A variation to clause 7.3 (Building Setbacks of Residential Buildings and Pergolas, Carports and the Like) of the Northern Territory Planning Scheme for the covered walkway with a 300mm lot boundary setback is supported as the walkway is fully screened with a pre-cast fence to 1.8 metres high and the roof of the covered walkway will be located only 300mm above the fence, and hence will not be easily visible from the neighbouring property.
5. A variation to clause 7.3 (Building Setbacks of Residential Building and Pergolas, Carports and the Like) to site the car stacker along the northeast property boundary is supported, as there will be a 2.2 metre high boundary fence along the impacted property boundary and planters will be provided on the face of the car stacker wall that faces No. 7 Chapman Court thereby softening the visual impact of the car stacker as seen from the adjoining property.
6. A variation to clause 7.6 (Communal Open Space) of the Northern Territory Planning Scheme to provide a reduced amount of communal open space for the development is supported as provision has been

made for extensive private open space area and swimming pool for each unit.

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

**ITEM 14**                    **TELECOMMUNICATIONS MONOPOLE & ANTENNAS WITH ASSOCIATED**  
**PA2008/0954**           **EQUIPMENT SHELTER AND SECURITY FENCE**  
                                 **LOT 4954 LUDMILLA TERRACE, TOWN OF DARWIN**  
**APPLICANT**           **CONNELL WAGNER (ON BEHALF OF OPTUS MOBILE LTD)**

Ms Jan Salmon (Connell Wagner) attended the meeting.

**RESOLVED**  
**36/09**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 4954 Ludmilla Terrace, Town of Darwin for the purpose of telecommunication monopole with antennas and associated equipment shelter and security fencing to allow the applicant to submit the following information that the Authority considers necessary to enable proper consideration of the application:

1. Additional clarification with regard to the proposal's compliance with the standards set out by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA), and in particular the telecommunication emission signal direction being proposed in the current application with specific clarification of:
  - the significance of Drawing Number 6488-043-01 with regard to whether this shows the directional angle of telecommunication emissions; and
  - clarification with regard to the significance of the 150 degree angle also shown on this drawing should this be the case.

#### **REASON FOR THE DECISION**

The above additional information is required to ensure that there is no adverse impact on the amenity of surrounding residents or the nearby school as the result of the proposed development, and to allow the applicant the opportunity to consult with the school and residents with regard to the potential impacts of the proposal.

**ACTION:** Advice to Applicant

**ITEM 15**                    **VARIATION – CHANGES TO PUBLIC OPEN SPACE**  
**PA2004/0799**           **LOT 7578 MCMINN STREET, TOWN OF DARWIN**  
**APPLICANT**           **MCPMAHON CONTRACTORS PTY LTD**

Mr Paul Busolin attended the meeting on behalf of the applicant.

**RESOLVED  
37/09**

That the Authority delegates to the Chairman the power under section 57(3) of the *Planning Act* to determine the application to vary Development Permit DP05/0037 for the purpose of alterations to the design and layout of the development subject to the applicant submitting plans showing:

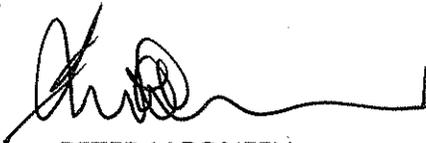
1. The finishes plan (CIDAA06-N) endorsed under DP05/0037B amended to show the 'honed' sections of concrete pathways.
2. The landscape plan (CIDA08-N) endorsed under DP05/0037B amended to include the new landscaping details for the roundabout.
3. Details of the proposed glass fence around the wave pool, including its height and clear delineation of its location.
4. Provision of a landscape plan for the currently un-vegetated section of escarpment (in the area of the previously proposed stairs), with the landscape plan to include a planting schedule specifying plant species, quantities, pot sizes and size at maturity.
5. Floor plans and elevations for the amended amenities block, including details of the new kiosk with its floor area nominated.

**REASONS FOR THE DECISION**

1. The changes do not alter any measurable aspect of the development by a margin greater than of 5%, do not substantially alter the development, and will not materially affect the amenity of adjoining or nearby land or premises.
2. The above additional information is required for review and consideration by the delegate of the authority in order to ensure all appropriate information is shown on any endorsed plans forming part of the permit.

**ACTION:** Advice to Applicant

**SIGNED AS AN ACCURATE REPRESENTATION OF THE PROCEEDINGS**



**PETER MCQUEEN**  
Chairman

18/2/09