

DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 129 – FRIDAY 17 JULY 2009

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

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

APOLOGIES: Bob Elix and Heather Sjoberg

OFFICERS PRESENT: Alla Fryar (A/Secretary) Douglas Lesh and for part of the meeting Peter Sdraulig, Wendy Smith, Gerard Mcilmurray and Steven Kubasiewicz (Development Assessment Services)

COUNCIL REPRESENTATIVE: Apology

Meeting opened at 9:00am and closed at 1.50pm

The Minutes of the 128th meeting held on Friday 3 July 2009 were ratified as an accurate representation of the proceedings on 6 July 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 ITEM

ITEM 3 NO ITEM

ITEM 4 NO ITEM

ITEM 5 21 X 1 BEDROOM MULTIPLE DWELLINGS IN A 4 STOREY BUILDING
PA2009/0986 LOT 1852 (171) DICK WARD DRIVE, TOWN OF NIGHTCLIFF
APPLICANT NORMAN MILLINGTON

Mr Norman and Mrs Cindy Millington attended the meeting.

Mr Millington tabled amended plans (5) showing amended carparking arrangements including visitor car parks, communal areas, the landscape design and elevations and alternative arrangements of the communal open space. The applicant also tabled two (2) photos showing the current state of the site and neighbouring properties.

RESOLVED That, pursuant to Section 53(c) of the *Planning Act*, the Development Consent
157/09 Authority refuse consent to the application to develop Lot 1852 (171) Dick Ward Drive, Town of Nightcliff for the purposes of 21 x 1 bedroom multiple dwellings in a 4 storey building.

REASONS FOR THE DECISION

1. The proposal does not achieve the purpose of clause 6.5.1 (Parking Requirements) of the NT Planning Scheme, being to ensure that sufficient off-street carparking is provided to service the proposed use of the site.
2. Having considered the requirements of clause 6.5.2 (Reduction in Parking Requirements), a reduction to the carparking required by clause 6.5.1 (Parking Requirements) is not supported as:

- No parking study or evidence is provided in support of the applicant's claim that the carparking areas associated with the two nearby shopping centres would be available for use by future residents.
 - No parking study or evidence is provided demonstrating that there is an excess of on-street carparking on Progress Drive on a consistent basis.
 - The taxi bays and bus route in proximity to the site do not provide a realistic and reliable supplement to the carparking spaces provided on the site.
 - No evidence is provided, in the form of a traffic assessment or carparking study to support the argument that the provision of 1 bedroom dwellings should not incur a requirement of 2 carparking spaces, as given by the Planning Scheme.
 - The shortfall in available on-site carparking is considerable, providing just 62% of the requirement (or 73.8% as tabled by the applicant at the DCA meeting on 17 July 2009), which is evidence of the proposal being an overdevelopment of the site.
3. A variation to the requirements of clause 6.5.3 (Parking Layout) of the NT Planning Scheme to allow carparking spaces marked as Visitor 01 and Visitor 02 to have a 0.6m buffer to the northern end of the carparking area as opposed to the required 1.0m is not supported. Although the non-compliance with clause 6.5.3 is minor, the dimensional requirements of this clause are in place for manoeuvring purposes, and no special circumstances have been provided the applicant to give assurance that the car parking layout can provide proper and convenient access to all spaces. The plans tabled at the DCA meeting of 17 July 2009 showed the removal of the two carparking spaces detailed above. This is not a satisfactory solution as the proposal already has a significant shortfall in carparking.
 4. The proposal is not consistent with the density permitted by Table B of clause 7.1 (Residential Density and Height Limitations) of the NT Planning Scheme. The proposed development has a density that is 50% beyond that which is permitted by this clause. No special circumstances which merit the granting of consent by the authority have been demonstrated, as per clause 2.5 (Exercise of Discretion by the Consent Authority) in this regard.
 5. The proposal is inconsistent with the setback requirement for the fourth storey to Dick Ward Drive, as given by clause 7.3 (Building Setbacks of Residential Buildings and Pergolas, Carports and the Like) of the NT Planning Scheme. The prominent location of the site and shortfall in landscaping compound the impact of any proposed reduced setback as seen from the street. No special circumstances have been demonstrated, as per clause 2.5 (Exercise of Discretion by the Consent Authority), which merits the granting of consent by the authority in this regard.

6. A variation to clause 7.7 (Landscaping for Multiple Dwellings, Hostels and Supporting Accommodation) of the NT Planning Scheme for a 23.8m² deficit is not supported as the prominence of the site makes the softening of the building and aesthetic benefits of a good level of landscaping important considerations, which are not met through the proposed design. There is also minimal landscaping at the rear of the site (94% of this boundary does not include any landscaping), despite the fact that there is an existing multiple dwelling development to the rear (west). There is also little dense vegetation along the front boundary, and it is likely that this will be further diminished by the requirement for a 3.5m x 3.5m electricity easement, and the possible need for water meter and booster pump arrangements may further reduce the amount of landscaping provided on the site. No special circumstances have been demonstrated, as per clause 2.5 (Exercise of Discretion by the Consent Authority), regarding the granting of consent for a variation to the landscaping requirement given under clause 7.7 of the Planning Scheme which merits the granting of consent by the authority.
7. In accordance with cause 2.5 (Exercise of Discretion by the Consent Authority) of the NT Planning Scheme, 'the consent authority may consent to the development of the land that does not meet the standard set out in Parts 4 or 5 only if it is satisfied that special circumstances justify the giving of consent'. Adequate special circumstances for the above listed non-compliances with the NT Planning Scheme has not been demonstrated which merits the granting of consent by the authority.
8. It has not been adequately demonstrated that the land is capable of supporting the proposed development, as no schematic stormwater plan demonstrating how stormwater will be collected on the site and discharged underground to Council's stormwater drainage system has been provided.
9. The site's proximity to the roundabout at the intersection of Progress Drive and Dick Ward Drive raises traffic safety concerns. There is a potential clash with the high level of traffic using Dick Ward Drive, and safe entry and exit of vehicles from the site during peak traffic periods been has not been demonstrated.

ACTION: Notice of Refusal

ITEM 6
PA2009/0925
APPLICANT

3 X 3 BEDROOM MULTIPLE DWELLINGS IN A 2 STOREY BUILDING
LOT 7516 (49) O'FERRALS ROAD, TOWN OF DARWIN
HALIKOS PTY LTD

The applicant did not attend the meeting.

RESOLVED
158/09

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 Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 7516 (49) O'Ferrals Road, Town of Darwin, for the purposes of 3 x 3 bedroom multiple dwellings in a 2 storey building, subject to the following conditions:

GENERAL CONDITIONS

1. Works carried out under this permit shall be in accordance with the drawings numbered PA2009/0925/1 – PA2009/0925/17, 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 and electricity services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council, to the satisfaction of the consent authority.
5. Before the use or occupation of the development starts, the area set aside for the parking of vehicles, and for the purposes of loading bays, 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.
6. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycle ways;
 - (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. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

Notes:

1. Notwithstanding the approved plans, the proposed footpath and landscaping works are to be at no cost to Darwin City Council, and are subject to approval from Council.
2. The Power and Water Corporation advise that the water service to the units is to be multi-metered.

REASONS FOR THE DECISION

1. The development is consistent with the primary purpose of Zone MD (Multiple Dwelling Residential) of the Northern Territory Planning Scheme, which is to provide for a range of housing options to a maximum height of two storeys.
2. A variation to clause 7.3 (Building Setbacks of Residential Buildings and Pergolas, Carports and the Like) of the Northern Territory Planning Scheme is supported as the proposal is considered unlikely to result in any detrimental impacts on the residential amenity of the surrounding area. The development presents a good degree of articulation, as shown by the additional 2.0m setback that occurs for a distance of 6.0m between bedroom 2 of Unit 1 and bedroom 2 of Unit 2, and as such, presents as two separate buildings when viewed from the affected boundary, thereby reducing the bulk and scale of the development, ensuring that the impact on surrounding allotments is minimal.

ACTION:

Notice of Consent and Development Permit

ITEM 7
PA2009/0985

SINGLE DWELLING WITH A REDUCED FRONT SETBACK INCLUDING ONE SIDE SETBACK OUTSIDE THE DWELLING ENVELOPE APPROVED BY DP08/0202 LOT 10078 (50) MATLA CRESCENT, TOWN OF NIGHTCLIFF
PROJECT BUILDING CERTIFIERS

APPLICANT

Ms Elizabeth Ashton (Project Building Certifiers) attended the meeting.

Ms Kim Leslie (Elton Consulting) attended the meeting on behalf of Mr Geoff Smith (submitter).

RESOLVED
159/09

That, pursuant to section 46(4)(b) of the *Planning Act*, the Authority defers consideration of the application to develop Lot 10078 (50) Matla Crescent, Town of Nightcliff for the purpose of a single dwelling with a reduced front setback, to allow the applicant to submit the following information that the Authority considers necessary for proper consideration of the application:

- Information (including plans if necessary) showing all changes to the development which will be required in order to obtain approval from the Lyons Design Reviewer who is responsible for administering the Lyons Design Guidelines and relevant covenants.

REASON FOR THE DECISION

Information (including plans if necessary) showing all changes to the development which will be necessary in order to obtain approval from the Lyons Design Reviewer are necessary, as changes are likely to be required by the Reviewer which will need to be taken into account by the Development Consent Authority when determining the application.

ACTION: Advice to Applicant and Submitter (Lyons Development Corporation)

ITEM 8
PA2009/0967
APPLICANT

CARPORT ADDITIONS TO EXISTING MULTIPLE DWELLINGS WITH REDUCED SECONDARY STREET SETBACK
LOT 4883 (1) GREVILLEA CIRCUIT, TOWN OF NIGHTCLIFF
JB DRAFTING

Mr Rodney Jessup (JB Drafting) did not attend the meeting.

RESOLVED
160/09

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 4883 (1) Grevillea Circuit, Town of Nightcliff for the purpose of carport additions to an existing multiple dwelling with reduced secondary street setback subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with drawing PA2009/0967/1 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.

REASONS FOR THE DECISION

1. The proposed development is consistent with the primary purpose of Zone MD (Multiple Dwelling Residential), which is to provide for a range of housing options.
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 development meets the primary street frontage requirement;
- only one of the proposed carports that fronts the secondary street encroaches on the secondary street front setback;
- the proposed carport which encroaches on the secondary street only encroaches by 1m²;
- the proposed carport which encroaches on the secondary street corner is well screened by vegetation; and
- the use of the area of the site development as a car parking area already exists and the addition of the carports should enhance the visual appearance of the site and add to the amenity of the surrounding area.

ACTION: Notice of Consent and Development Permit

ITEM 9 **SHOPS, RESTAURANT, OFFICES, 24 HOTEL SUITES, 24 X 2, 16 X 3 & 4 X 4**
PA2007/0534 **BEDROOM MULTIPLE DWELLINGS IN 2 BUILDINGS OF 21 & 2 STOREYS PLUS 4**
LEVELS OF BASEMENT PARKING
LOT 413 (22) SMITH STREET, TOWN OF DARWIN
APPLICANT **JUNE D'ROZARIO & ASSOCIATES PTY LTD**

Ms June D'Rozario (June D'Rozario & Associates), Mr Phillip Grice (Fannie Bay Investments) and Ms Megan Jones (Tanner Architects) attended the meeting.

Submitters who attended the meeting:-

- Mr Alan Garraway, Director Downtown Pty Ltd;
- Mr Mark Bowling, Director ABC NT;
- Mr Benny Beatson, Manager Facilities ABC;
- Ms Margaret Clinch, Plan; and
- Mr Peter McVan (Knight Frank) representing Bothkamp Australia Pty and Qantas Airways Ltd.

Ms Jones ran a power point presentation (copy of the presentation shots tabled at the meeting. Ms D'Rozario tabled a copy of the Letter and e-mail regarding conservation of the building and exhaust arrangements and correspondence in relations to car parking exhaust and other issues. Ms D'Rozario tabled response to service authorities and public submissions.

Mr Alan Garraway (Submitter) tabled additional concerns regarding the proposal and plans showing the buildings graph representation on the site.

RESOLVED
161/09

That, the Development Consent Authority determine to reduce the car parking requirement from 277 bays to 235 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), clause 6.6 (Loading Bays) and clause 7.6 (Communal Open Space) of the Northern Territory Planning Scheme and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 413 (22) Smith Street, Town of Darwin for the purpose of mixed use development comprising shops, restaurants, offices, 24 hotel suites, 24 x 2, 16 x 3 & 4 x 4 bedroom multiple dwellings in 2 buildings of 21 and 2 storeys plus 4 levels of basement car parking, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of works (including site preparation) a full set of amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) all private open space areas clearly dimensioned to demonstrate compliance with the minimum areas and dimensions required by clause 7.5 (Private Open Space) of the NT Planning Scheme;
 - (b) provision of vehicle sight lines meeting Darwin City Council requirements; and
 - (c) reduction in the height of the exhaust riser to soften the impact of the riser on the Smith Street streetscape, or confirmation from a suitably qualified Building Certifier, that a reduction in height would result in non-compliance with the Building Code of Australia.
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) the applicant is to prepare a waste management plan, including details on waste bin service truck ingress/ egress, as required by Darwin City Council, to the satisfaction of the consent authority.
4. Prior to endorsement of plans and prior to the commencement of works (including site preparation), a traffic management plan to the satisfaction of the consent authority must be provided to the consent authority addressing, but not limited to, the following:
 - measures to ensure continued access to the public bus services in the vicinity of the site throughout the construction period as required by Department of Planning & Infrastructure;
 - measures to ensure continued access within Yuen Place throughout the construction period to the satisfaction of Darwin City Council; and
 - designs of roads, traffic management and amended parking layout with Yuen Place and Bennett Street to the requirements of Darwin City Council.

The traffic assessment and management plan is to be to the satisfaction of the consent authority.

GENERAL CONDITIONS

5. Works carried out under this permit shall be in accordance with drawing numbers endorsed as forming part of this permit.

6. Before the use commences the owner must, in accordance with section 70(3) of the *Planning Act* provide 237 parking bays. In accordance with section 70(5) of the Act, 61 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. Before the use commences the owner must pay a monetary contribution to the Darwin City Council in lieu of any on-street parking spaces lost as a result of the development.
8. 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.
9. 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.
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. 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.
12. 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.
13. 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.

14. 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.
15. 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.
16. 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.
17. 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.
18. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
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. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the consent authority.
21. 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.
22. 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.
23. External materials/ finishes must be non reflective, and external lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land and on the operations of the RAAF Base Darwin/ Darwin International Airport, to the satisfaction of the consent authority.
24. Storage and collection of 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, the road, traffic management, footpath and landscaping works are 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, 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.

REASONS FOR THE DECISION

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. The proposal will retain the original part of the heritage listed building which will be refurbished and converted to use as a restaurant, creating a practical use for this building and ensuring its long term survival.
3. A reduction of 42 car parking spaces (from 277 to 235) is supported as:
 - the proposal relates to a heritage place and the Minister for Natural Resources, Environment and Heritage (responsible for the administration of the *Heritage Conservation Act*) supports a reduced provision of 40 car parking bays in the interest of preserving the significance of the heritage place; and
 - 1 parking bay for every 3 motorcycle bays, (to a maximum of 11 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.
4. 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 61 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.
5. A variation to clause 6.6 (Loading Bays) of the Northern Territory Planning Scheme to provide 1 loading bay instead of 3 loading is supported in recognition of:
 - the site constraints imposed by the heritage value of the existing building; and
 - the uses being of a type and nature which are unlikely to require the full need for loading bay requirements.
6. A variation to clause 7.6 (Communal Open Space) of the NT Planning Scheme is supported in this instance as:

- each multiple dwelling is provided with suitable areas of private open space; and
 - the site is located within convenient walking distance to areas of public open space including Civic Park to the south east, and the Darwin City Waterfront which includes high quality passive and active recreation areas.
7. The requirement for amended plans showing clearly dimensioned private open space areas will ensure provision of private open space in compliance with the minimum areas and dimensions of clause 7.5 (Private Open Space) of the NT Planning Scheme.
 8. The requirement for amended plans demonstrating vehicle sightlines in accordance with Darwin City Council requirements will ensure that car parking and vehicle access is functional as required by clause 6.5.3 (Parking Layout) of the NT Planning Scheme.
 9. The requirement for a reduction in the height of the exhaust riser, or confirmation from a suitably qualified Building Certifier, that a reduction in height would result in non-compliance with the Building Code of Australia, is necessary in order to ensure the impact of the riser on the Smith Street streetscape is minimised.

ACTION: Notice of Consent and Development Permit

ITEM 10 **CARPORT ADDITION AND EXTENSION TO AN EXISTING SINGLE DWELLING**
PA2009/0171 **WITH REDUCED SECONDARY FRONT AND SIDE SETBACK**
LOT 5110 (23) NAKARA TERRACE, TOWN OF NIGHTCLIFF
APPLICANT **FRANCIS BEECROFT**

Mr Frank and Mrs Patricia Beecroft attended the meeting.

Ms Margaret Clinch (submitter) attended the meeting.

RESOLVED
162/09

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 Northern Territory Planning Scheme and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 5110 (23) Nakara Terrace, Town of Nightcliff for the purpose of a carport addition and extensions to an existing single dwelling with reduced secondary front and side setbacks, subject to the following conditions:

1. The works carried out under this permit shall be in accordance with the drawings numbered 2009/0171/1, through to 2009/0171/5 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, electricity and gas 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.
6. 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.

Note:

The 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 50m² in size would require the consent of the Authority.

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 Building and Pergolas, Carports and the Like) of the Northern Territory Planning Scheme is supported as:
 - the proposal provides a 1.8m high brick block wall and landscaping along the affected secondary front boundary;
 - the proposed variation affects only 12% of the front boundary;
 - the proposed landscaping along the affected side boundary provides screening to the development; and
 - there are no windows proposed along the affected side boundary in order to avoid over looking on to the adjacent property.

ACTION: Notice of Consent and Development Permit

ITEM 11
PA2009/0926
APPLICANT

**2 X 3 BEDROOM MULTIPLE DWELLINGS IN A 2 STOREY BUILDING
LOT 7524 (65) O'FERRALS ROAD, TOWN OF DARWIN
HALIKOS PTY LTD**

The applicant did not attend the meeting.

**RESOLVED
163/09**

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 7524 (65) O'Ferrals Road, Town of Darwin for the purpose of 2 x 3 bedroom multiple dwellings in a 2 storey building subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with drawings PA2009/0926/6 through PA2009/0926/13 and PA2009/0926/17 through PA2009/0926/18 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. The owner shall:
 - (e) remove disused vehicle and/ or pedestrian crossovers;
 - (f) provide footpaths/ cycleways;
 - (g) collect stormwater and discharge it to the drainage network; and
 - (h) 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.
5. Before the use or occupation of the development starts, the area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat; and
 - (d) drained;to the satisfaction of the consent authority.
6. 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.

7. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
8. 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. All air conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on the neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
11. 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 proposed development is consistent with the primary purpose of Zone MD (Multiple Dwelling Residential), which is to provide for a range of housing options.
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 encroachment on the northern side boundary is only for a small segment of the balcony overhang on the first floor and the southern side boundary is adjacent to land within Zone PS (Public Open Space) so that there is unlikely to be any adverse impact on the amenity and privacy of the abutting land.

ACTION: Notice of Consent and Development Permit

ITEM 12
PA2009/0932
APPLICANT

SUBDIVISION TO CREATE 2 LOTS
LOTS 4818 & 5994 (3) GILRUTH AVENUE, TOWN OF DARWIN
DEPARTMENT OF PLANNING AND INFRASTRUCTURE

Mr Brian Dobie (Department of Planning & Infrastructure) attended the meeting.

Ms Margaret Clinch, PLan (Submitter) attended the meeting.

Mr Tony Cox (Observer) on behalf of Ward Keller Lawyers and Sky City attended the meeting.

RESOLVED
164/09

That, the Development Consent Authority vary the requirements of clause 7.3 (Building Setbacks of Residential Buildings), and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lots 4818 and 5994 (3) Gilruth

Avenue, Town of Darwin for the purpose of subdivision to create 2 lots, subject to the following conditions:

1. The works carried out under this permit shall be in accordance with the drawing number 2009/0932/1 endorsed as forming part of this permit.
2. Any development 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 permit holder must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, and telecommunications services in accordance with the authorities' requirements and relevant legislation at the time.
4. 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.
5. Stormwater is to be collected and discharged in the drainage network to the technical standards of and at no cost to the Darwin City Council, to the satisfaction of the consent authority.
6. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
7. The developer shall contact Telstra on 8923 0755 prior to any works being carried out and negotiate the provision of telecommunication services to satisfy the interests of Telstra in accordance with accepted Austel practice.

Notes:

1. Darwin City Council advises that the subject site is located in an area defined as the Mindil Beach Bullocky Point Environmental Management Unit under Darwin City Council's Environment Management Plan.
2. A sacred site exists on Lot 5994. The Aboriginal Areas Protection Authority (AAPA) has issued Authority Certificates over parts of Lots 4818 and 5994. As a consequence of this, under Sections 19A-22 of the *Aboriginal Sacred Sites Act 1989*, the AAPA has placed a Restricted Works Area and has applied protection conditions in Certificates to protect this sacred site from particular works on Lot 4818. It is recommended by the AAPA that an application is made for an Authority Certificate over Lot 4818.
3. NRETAS advise that there are statutory obligations under the *Weeds Management Act* that land owners take all practical measures to manage weeds on their property.
4. NRETAS advise that a beach monitoring site is located on Lot 5994.

REASONS FOR THE DECISION

1. The proposed subdivision is generally consistent with clauses 2.6 (Subdivision of Land) and 6.14 (Land Subject to Flooding and Storm Surge) of the Northern Territory Planning Scheme, and the purposes of Zone TC and PS, which are to provide areas for development servicing tourism; and for development to be limited, to that which is consistent with the recreational opportunities of the land.
2. The proposed subdivision will facilitate formal tenure to Power and Water Corporation over its significant infrastructure (cable yard), currently within Lot 4818 (proposed Lot 7656).

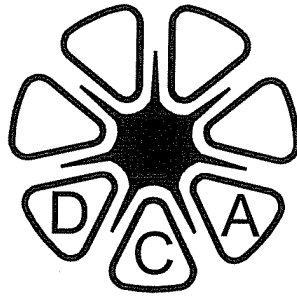
ACTION: Notice of Consent and Development Permit

SIGNED AS AN ACCURATE REPRESENTATION OF THE PROCEEDINGS


PETER MCQUEEN
Chairman

20/7/09





DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 130 – FRIDAY 7 AUGUST 2009

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

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

APOLOGIES: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary) Douglas Lesh, Sarah Gooding and Wendy Smith (Development Assessment Services)

COUNCIL REPRESENTATIVE: Apology

Meeting opened at 10:00am and closed at 12 noon

The Minutes of the 129th meeting held on Friday 17 July 2009 were ratified as an accurate representation of the proceedings on 20 July 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

RESOLVED That the Authority noted the information.
165/09

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 follow up on a response from the landowner and monitor the site for compliance
166/09

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 request that DAS monitor the site to ensure compliance with provisions of clause 7.10.8 (Home based Contracting)
167/09

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 obtain legal advice on the response.
168/09

Investigation – Alleged use of single dwelling for multiple dwelling purposes
Lot 4060 (15) Temira Crescent, Town of Darwin

RESOLVED That the Authority request that no further action be taken.
169/09

- 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 170/09** That the Authority monitor the use of the property until the end of October 2009.
- PA2009/1019** Investigation – Alleged use of single dwelling for unauthorised bed & Breakfast
Lot 343 (3) Sandalwood Street, Town of Nightcliff.
- RESOLVED 171/09** That the Authority request that DAS follow up that the site has reverted back to a single dwelling.
- 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 172/09** 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 173/09** 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.
- PA2007/1019** 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 174/09** That the Authority request that no further action be taken.
- 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 175/09** 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

RESOLVED That the Authority await legal advice.
176/09

**ITEM 3 INFORMATION ITEM
DELEGATED APPROVAL LISTING**

RESOLVED That the Authority noted the information.
177/09

**ITEM 4 INFORMATION ITEM
PROPOSED DELEGATIONS**

RESOLVED That the Authority noted the information.
178/09

**PA2009/1112 2 X 3 BEDROOM MULTIPLE DWELLINGS IN A SINGLE STOREY BUILDING
LOT 10312 (77) MATLA CRESCENT, TOWN OF NIGHTCLIFF
APPLICANT ELTON CONSULTING**

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
179/09 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 10312 (77) Matla Crescent, Town Of Nightcliff for the purpose of 2 x 3 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

PA2009/1094 **2 X 3 BEDROOM MULTIPLE DWELLINGS IN A TWO STOREY BUILDING**
LOT 10067 (19) GAKKINGGA STREET, TOWN OF NIGHTCLIFF
APPLICANT **PLATT CONSULTANTS**

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

RESOLVED
180/09

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 10067 (19) Gakkingga Street, Town Of Nightcliff for the purpose of 2 x 3 bedroom multiple dwellings in a two 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

PA2009/1100 **2 X 3 BEDROOM MULTIPLE DWELLINGS IN A SINGLE STOREY BUILDING**
LOT 10328 (49) DAWARRA CRESCENT, TOWN OF NIGHTCLIFF
APPLICANT **ELTON CONSULTING**

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

RESOLVED
181/09

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 10328 (49) Dawarra Crescent, Town Of Nightcliff for the purpose of 2 x 3 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

PA2009/1108 **2 X 3 BEDROOM MULTIPLE DWELLINGS IN A SINGLE STOREY BUILDING**
LOT 9891 (22) DEMDA CIRCUIT, TOWN OF NIGHTCLIFF
APPLICANT **ELTON CONSULTING**

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

RESOLVED
182/09

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 9891 (22) Demda Circuit, Town Of Nightcliff for the purpose of 2 x 3 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

PA2009/1091 **2 X 3 BEDROOM MULTIPLE DWELLINGS IN A TWO STOREY BUILDING**
APPLICANT **LOT 9899 (4) DEMDA CIRCUIT, TOWN OF NIGHTCLIFF**
 PLATT CONSULTANTS

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
183/09 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 9899 (4) Demda Circuit, Town Of Nightcliff for the purpose of 2 x 3 bedroom multiple dwellings in a two 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

PA2009/1092 **2 X 3 BEDROOM MULTIPLE DWELLINGS IN A TWO STOREY BUILDING**
APPLICANT **LOT 1011 (7) MIRRAKMA CRESCENT, TOWN OF NIGHTCLIFF**
 PLATT CONSULTANTS

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
184/09 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 1011 (7) Mirrakma Crescent, Town Of Nightcliff for the purpose of 2 x 3 bedroom multiple dwellings in a two 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

PA2009/1110 **2 X 3 BEDROOM MULTIPLE DWELLINGS IN A SINGLE STOREY BUILDING**
APPLICANT **LOT 10239 (1) DATLAWA STREET, TOWN OF NIGHTCLIFF**
 ELTON CONSULTING

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

RESOLVED
185/09

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 10239 (1) Datlaw Street, Town Of Nightcliff for the purpose of 2 x 3 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

PA2009/1099 **2 X 3 BEDROOM MULTIPLE DWELLINGS IN A SINGLE STOREY BUILDING**
APPLICANT **LOT 10151 (15) DUNYLA STREET, TOWN OF NIGHTCLIFF**
 ELTON CONSULTING

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

RESOLVED
186/09

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 10151 (15) Dunyila Street, Town Of Nightcliff for the purpose of 2 x 3 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

PA2009/1103 **2 X 3 BEDROOM MULTIPLE DWELLINGS IN A SINGLE STOREY BUILDING**
APPLICANT **LOT 10315 (83) DAMABILA DRIVE, TOWN OF NIGHTCLIFF**
 ELTON CONSULTING

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

RESOLVED
187/09

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 10315 (83) Damabila Drive, Town Of Nightcliff for the purpose of 2 x 3 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

PA2009/1101 **2 X 3 BEDROOM MULTIPLE DWELLINGS IN A SINGLE STOREY BUILDING**
APPLICANT **LOT 10147 (5) DUNYILA STREET, TOWN OF NIGHTCLIFF**
 ELTON CONSULTING

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

RESOLVED
188/09

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 10147 (5) Dunyila Street, Town Of Nightcliff for the purpose of 2 x 3 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; and
- Subject to the proposed building being redesigned to be setback to the side boundaries no less than the underlying setback on the building envelope plan for the site as previously approved by the DCA for single dwellings on the property.

ACTION:

If delegation exercised Notice of Consent and Development Permit

PA2009/1105 **2 X 3 BEDROOM MULTIPLE DWELLINGS IN A SINGLE STOREY BUILDING**
LOT 10317 (87) DAMABILA DRIVE, TOWN OF NIGHTCLIFF
APPLICANT **ELTON CONSULTING**

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

RESOLVED
189/09

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 10317 (87) Damabila Drive, Town Of Nightcliff for the purpose of 2 x 3 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; and
- Subject to the proposed building being redesigned to be setback to the side boundaries no less than the underlying setback on the building envelope plan for the site as previously approved by the DCA for single dwellings on the property.

ACTION: If delegation exercised Notice of Consent and Development Permit

PA2009/1055 **MULTIPLE DWELLING ANCILLARY TO EXISTING PLACE OF WORSHIP**
LOT 8658 (11) STRELE CRESCENT CRESCENT, TOWN OF NIGHTCLIFF
APPLICANT **CATHOLIC DIOCESE OF DARWIN**

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

RESOLVED
190/09

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 8658 (11) Strele Crescent, Town Of Nightcliff for the purpose of multiple dwelling ancillary to existing place of worship 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

PA2009/1109 **2 X 3 BEDROOM MULTIPLE DWELLINGS IN A SINGLE STOREY BUILDING**
LOT 10277 (1) DAMIRRINDA STREET, TOWN OF NIGHTCLIFF
APPLICANT **ELTON CONSULTING**

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

**RESOLVED
191/09**

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 10277 (1) Damirrinda Street, Town Of Nightcliff for the purpose of 2 x 3 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

PA2009/1093

**2 X 3 BEDROOM MULTIPLE DWELLINGS IN A TWO STOREY BUILDING
LOT 9894 (16) DEMDA CIRCUIT, TOWN OF NIGHTCLIFF
APPLICANT PLATT CONSULTANTS**

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

**RESOLVED
192/09**

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 9894 (16) Demda Circuit, Town Of Nightcliff for the purpose of 2 x 3 bedroom multiple dwellings in a two 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

PA2009/1107

**2 X 3 BEDROOM MULTIPLE DWELLINGS IN A SINGLE STOREY BUILDING
LOT 10308 (26) DEMDA CIRCUIT, TOWN OF NIGHTCLIFF
APPLICANT ELTON CONSULTING**

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

**RESOLVED
193/09**

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 10308 (26) Demda Circuit, Town Of Nightcliff for the purpose of 2 x 3 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

PA2009/1104 **2 X 3 BEDROOM MULTIPLE DWELLINGS IN A SINGLE STOREY BUILDING**
APPLICANT **LOT 10340 (96) DAMABILA DRIVE, TOWN OF NIGHTCLIFF**
ELTON CONSULTING

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

RESOLVED
194/09

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 10340 (96) Damabila Drive, Town Of Nightcliff for the purpose of 2 x 3 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

PA2009/1106 **2 X 3 BEDROOM MULTIPLE DWELLINGS IN A SINGLE STOREY BUILDING**
APPLICANT **LOT 10307 (24) DEMDA CIRCUIT , TOWN OF NIGHTCLIFF**
ELTON CONSULTING

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

RESOLVED
195/09

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 10307 (24) Demda Circuit, Town Of Nightcliff for the purpose of 2 x 3 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

PA2009/1102 **2 X 3 BEDROOM MULTIPLE DWELLINGS IN A SINGLE STOREY BUILDING**
APPLICANT **LOT 10250 (6) DAWARRA CRESCENT, TOWN OF NIGHTCLIFF**
 ELTON CONSULTING

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

RESOLVED
196/09

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 10250 (6) Dawarra Crescent, Town Of Nightcliff for the purpose of 2 x 3 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

PA2009/1046 **VERANDAH ADDITION TO AN EXISTING MULTIPLE DWELLING (UNIT 3)**
APPLICANT **LOT 2497 (8) ABBOTT CRESCENT, TOWN OF SANDERSON**
 STRATCO

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

RESOLVED
197/09

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 2497 (8) Abbott Crescent, Town of Sanderson for the purpose of verandah addition to an existing multiple dwelling (unit 3) 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

PA2009/1096 **2 X 3 BEDROOM MULTIPLE DWELLINGS IN A TWO STOREY BUILDING**
APPLICANT **LOT 10040 (1) GAKKINGGA STREET, TOWN OF NIGHTCLIFF**
PLATT CONSULTANTS

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

RESOLVED
198/09

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 10040 (1) Gakkingga Street, Town Of Nightcliff for the purpose of 2 x 3 bedroom multiple dwellings in a two 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

PA2009/1090 **2 X 3 BEDROOM MULTIPLE DWELLINGS IN A TWO STOREY BUILDING**
APPLICANT **LOT 10121 (17) GUMIMBA CRESCENT, TOWN OF NIGHTCLIFF**
PLATT CONSULTANTS

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

RESOLVED
199/09

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 10121 (17) Gumimba Crescent, Town Of Nightcliff for the purpose of 2 x 3 bedroom multiple dwellings in a two 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

PA2009/1095 **2 X 3 BEDROOM MULTIPLE DWELLINGS IN A TWO STOREY BUILDING**
APPLICANT **LOT 10076 (54) MATLA CRESCENT, TOWN OF NIGHTCLIFF**
PLATT CONSULTANTS

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

RESOLVED
200/09

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 10076 (54) Matla Crescent, Town Of Nightcliff for the purpose of 2 x 3 bedroom multiple dwellings in a two 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

PA2009/1089 **2 X 3 BEDROOM MULTIPLE DWELLINGS IN A TWO STOREY BUILDING**
APPLICANT **LOT 9889 (30) DEMDA CIRCUIT, TOWN OF NIGHTCLIFF**
 PLATT CONSULTANTS

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
201/09 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 9889 (30) Demda Circuit, Town Of Nightcliff for the purpose of 2 x 3 bedroom multiple dwellings in a two 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

PA2009/1026 **OFFICE ADDITION TO AN EXISTING WAREHOUSE**
APPLICANT **LOT 5037 (65) BISHOP STREET, TOWN OF DARWIN**
 MOONBEAM DESIGN

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
202/09 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 5037 (65) Bishop Street, Town of Darwin for the purpose of Office addition to an existing warehouse 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

PA2009/1111 **2 X 3 BEDROOM MULTIPLE DWELLINGS IN A SINGLE STOREY BUILDING**
APPLICANT **LOT 10019 (5) DULINDA TERRACE, TOWN OF NIGHTCLIFF**
 ELTON CONSULTING

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
203/09 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 10019 (5) Dulinda Terrace, Town Of Nightcliff for the purpose of 2 x 3
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

PA2009/1120 **WAREHOUSE, OFFICE AND SHOWROOM SALES**
APPLICANT **SECTION 5184 (71) BENISON ROAD, HUNDRED OF BAGOT**
 ATHANASIOS ATHANASIOUS 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
204/09 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 5184 (71) Benison Road, Hundred of Bagot for the purpose of
warehouse, office and showroom sales 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

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

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

RESOLVED That the Authority request the application be heard at a DCA meeting.
205/09

ACTION: Application to be listed

PA2009/1086 ADDITIONS TO EXISTING MULTIPLE DWELLING INCLUDING ENCLOSING
CARPORT (UNIT 1)
LOT 6943 (6) GLYDE COURT, TOWN OF SANDERSON
APPLICANT EDWARD DAUN

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

**RESOLVED
206/09**

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 6943 (6) Glyde Court, Town of Sanderson for the purpose of additions to existing multiple dwelling including enclosing carport (unit 1) 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*;
- Resolution of the parking layout; and
- 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 TWO STOREY SINGLE DWELLING WITH REDUCED FRONT AND SIDE
PA2009/1014 SETBACKS
LOT 7809 (4) NOTLEY PLACE, TOWN OF DARWIN
APPLICANT PROJECT BUILDING CERTIFIERS

Ms Elizabeth Ashton (Project Building Certifiers), Mr Hully Liveris (Hully Liveris Design) and Mr John Dacosta (Dacosta Nominees part owners) attended the meeting.

**RESOLVED
207/09**

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 7809 (4) Notley Place, Town of Darwin for the purpose of constructing a two storey single dwelling with reduced front and side setbacks subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with drawings PA2009/1014/1 through PA2009/1014/5 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. 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.
5. Before the use or occupation of the development starts, the area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat; and
 - (d) drained;to the satisfaction of the consent authority.
6. 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.
7. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
8. 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. All air conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on the neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
11. 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 proposed development is consistent with the primary purpose of Zone SD (Multiple Dwelling Residential), which is 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) of the NT Planning Scheme is supported as:
 - the irregular shape of the lot constrains the property;
 - the application proposes an innovative design of a series of structures and outdoor spaces;
 - the design is proposed in conjunction with two neighbouring lots and all three site layouts work with one another to provide consistency along the streetscape;
 - the adjoining lot was designed in conjunction with the subject lot so that the reduced side boundary setback area on the subject lot is located adjacent to an outdoor deck and barbecue area on the adjoining lot;
 - the development on the southern side boundary line is for a small 8m portion of the lot and is only one storey with a block wall proposed along that section so that there are no issues with overlooking into the neighbouring property;
 - the site is located within a new subdivision in which all lots are vacant and no negative impacts to the future development of the area are expected;
 - at the time of subdivision, other neighbouring lots to the rear of the property were granted zero lot line side setbacks; and
 - the three adjoining lots are considered a good example of the benefits of developing dwellings in an integrated and site responsive manner.

ACTION: Notice of Consent and Development Permit

ITEM 6 **TWO STOREY SINGLE DWELLING WITH REDUCED FRONT AND SIDE**
PA2009/1013 **SETBACKS**
APPLICANT **LOT 7808 (6) NOTLEY PLACE, TOWN OF DARWIN**
PROJECT BUILDING CERTIFIERS

Ms Elizabeth Ashton (Project Building Certifiers), Mr Hully Liveris (Hully Liveris Design) and Mr John Dacosta (Dacosta Nominees part owners) attended the meeting.

RESOLVED
208/09

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 7808 (6) Notley Place, Town of Darwin for the purpose of constructing a two storey single dwelling with reduced front and side setbacks subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with drawings PA2009/1013/1 through PA2009/1013/5 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. 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.
5. Before the use or occupation of the development starts, the area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat; and
 - (d) drained;to the satisfaction of the consent authority.
6. 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.
7. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.

8. 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. All air conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on the neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
11. 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 proposed development is consistent with the primary purpose of Zone SD (Multiple Dwelling Residential), which is 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) of the NT Planning Scheme is supported as:
 - the application proposes an innovative design of a series of structures and outdoor spaces;
 - the design is proposed in conjunction with two neighbouring lots on the northern and southern boundaries of the property and all three site layouts work with one another to provide consistency along the streetscape;
 - the adjoining lot was designed in conjunction with the subject lot so that the reduced side boundary setback area on the subject lot is located adjacent to an outdoor deck and barbecue area on the adjoining lot;
 - the development on the southern side boundary line is for a small 8m portion of the lot and is only one storey with a block wall proposed along that section so that there are no issues with overlooking into the neighbouring property;
 - the site is located within a new subdivision in which all lots are vacant and no negative impacts to the future development of the area are expected;
 - at the time of subdivision, other neighbouring lots to the rear of the property were granted zero lot line side setbacks; and
 - the three adjoining lots are considered a good example of the benefits of developing dwellings in an integrated and site responsive manner.

ACTION: Notice of Consent and Development Permit

ITEM 7
PA2009/1012

**TWO STOREY SINGLE DWELLING WITH REDUCED FRONT AND SIDE
SETBACKS**

APPLICANT

**LOT 7807 (8) NOTLEY PLACE, TOWN OF DARWIN
PROJECT BUILDING CERTIFIERS**

Ms Elizabeth Ashton (Project Building Certifiers), Mr Hully Liveris (Hully Liveris Design) and Mr John Dacosta (Dacosta Nominees part owners) attended the meeting.

**RESOLVED
209/09**

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 7807 (8) Notley Place, Town of Darwin for the purpose of constructing a two storey single dwelling with reduced front and side setbacks subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with drawings PA2009/1012/1 through PA2009/1012/5 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. The owner shall:
 - (e) remove disused vehicle and/ or pedestrian crossovers;
 - (f) provide footpaths/ cycleways;
 - (g) collect stormwater and discharge it to the drainage network; and
 - (h) 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.
5. Before the use or occupation of the development starts, the area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat; and
 - (d) drained;to the satisfaction of the consent authority.

6. 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.
7. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
8. 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. All air conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on the neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
11. 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 proposed development is consistent with the primary purpose of Zone SD (Multiple Dwelling Residential), which is 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) of the NT Planning Scheme is supported as:
 - the irregular shape of the lot constrains the property;
 - the application proposes an innovative design of a series of structures and outdoor spaces;
 - the design is proposed in conjunction with two neighbouring lots and all three site layouts work with one another to provide consistency along the streetscape;
 - the adjoining lot to the north was designed in conjunction with the subject lot so that the reduced northern side boundary setback area on the subject lot is located adjacent to a yard area, driveway and carport on the adjoining lot;
 - the development on the northern side boundary line is for the carport along a small 8.4m portion of the lot and is only one storey with a block wall proposed along that section so that there are no issues with overlooking into the neighbouring property;
 - the development on the southern side boundary line is for a small 8m portion of the lot and is only one storey with a block wall proposed along

that section so that there are unlikely to be any issues with overlooking or loss of privacy;

- the site is located within a new subdivision in which all lots are vacant and no negative impacts to the future development of the area are expected;
- at the time of subdivision, other neighbouring lots to the rear of the property were granted zero lot line side setbacks; and
- the three adjoining lots are considered a good example of the benefits of developing dwellings in an integrated and site responsive manner.

ACTION: Notice of Consent and Development Permit

ITEM 8 **MOTEL, OFFICES, RESTAURANT AND SHOP IN A 21 STOREY BUILDING**
PA2009/1006 **INCLUDING CARPARKING AT LEVELS 2 TO 5**
APPLICANT **LOTS 2338 & 2339 (15 & 17) CAVENAGH STREET, TOWN OF DARWIN**
ELTON CONSULTING

Ms Kim Leslie (Elton Consulting) attended the meeting and tabled amended plans showing:-

Balustrades on the balconies;

Doors on rooms; and

An updated coloured perspectives.

RESOLVED
210/09

That, pursuant to section 46(4)(b) *Planning Act*, the Authority defers consideration of the application to develop Lots 2338 & 2339 (15 & 17) Cavenagh Street, Town of Darwin for the purpose of motel, offices, restaurant and shops in a 21 storey building including car parking at levels 2 to 5 to allow the applicant to submit the following information that the Authority considers necessary to consider the application:

- 1) Additional design details, including additional drawings (or renderings) specifically demonstrating treatment of the entrances to the motel, restaurant, shops and pedestrian walkways from and along the Cavenagh Street frontage which achieve an active and inviting pedestrian interface;
- 2) additional design details with regard to the material to be used for screening of the carparking area along the Cavenagh Street frontage;
- 3) clarification with regard to whether any decorative illuminated design treatments or finishes are to be utilised;
- 4) locations of air-conditioning condensers;
- 5) clarification of treatment on podium floor level to maintain privacy of pool access for guests from the lift past the conference rooms;
- 6) a landscape plan and associated planting schedule specifying plant species and quantities, for all landscaped areas including the podium area and including written advice demonstrating that soil depth, growth areas and plant species are all suitable in ensuring the ongoing sustainability of the landscaping as proposed;
- 7) clarification of what 'F.P' stands for at ground level on the site plan, and the associated visual impacts upon the Austin Lane frontage;

- 8) Additional details with regard to access and/or management arrangements to ensure appropriate non-guest access to the on-site carparking area for the shop and restaurant components of the development.

REASON FOR THE DECISION

1. The requirement for further clarification of the treatment of the podium floor level specifically with regard to the privacy of pool access for guests is required in order to determine whether the design of the development (with current access from the lifts to the pool only being provided through the conference 'breakout area') is appropriate.
2. Clarification of what the area indicated as 'F.P' is at ground level, is required in order to determine associated impacts upon the Austin Lane frontage, and to determine the potential for its co-location with other servicing arrangements at the rear of the property.
3. The requirement for further details of materials to be used to achieve screening of the carparking area along the Cavenagh Street frontage is required in order to determine the ability of the proposed use of metal woven mesh to achieve appropriate screening which is consistent with the outcomes sought by the Capital City Charter as referenced by clause 2.7 (Reference to Policy) of the NT Planning Scheme.
4. Details with regard to any decorative illuminated design treatments or finishes to be utilised are required in order to determine the visual impacts of the development as required by clause 8.2 (Commercial and Other Developments in Zones CB) of the NT Planning Scheme.
5. Additional design details, including additional drawings (or renderings) specifically demonstrating treatment of the entrances to the motel, restaurant, shops and pedestrian walkways along the Cavenagh Street frontage which achieve an active and inviting pedestrian interface are required in order to determine the proposal's consistency with the requirements of clause 8.2 (Commercial and Other Developments in Zones...CB...) of the NT Planning Scheme, being for development to be sympathetic to the character of buildings in the immediate area; add variety and interest at street level; and provide safe and convenient pedestrian links. Such details are also required in order to determine the proposed development's consistency with the intent of Proposed Planning Scheme Amendment PA2007/0455 which aims to require all Zone CB (Central Business) developments to provide "at least 75% of the façade at ground level" as an active frontage.
6. Details with regard to the location of air-conditioning condensers and with regard to whether any decorative illuminated design treatments or finishes that are to be utilised are required in order to determine the development's visual appearance and compliance with the requirements of clause 8.2 (Commercial and Other Developments in Zones...CB...) of the NT Planning Scheme.

7. The requirement for additional landscaping details is required to ensure that landscaping of the site is sustainable.
8. The requirement for additional details with regard to access and/or management arrangements to ensure appropriate non-guest access to the on-site carparking area is required in order to ensure that the 10 parking spaces required to be provided for the restaurant and shop components of the development, in accordance with clause 6.5.1 (Parking Requirements), is accessible for the patrons of these uses.

ACTION

Advice to Applicant

SIGNED AS AN ACCURATE REPRESENTATION OF THE PROCEEDINGS



PETER MCQUEEN
Chairman

14/8/09