



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 212 – FRIDAY 7 JUNE 2013

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

MEMBERS PRESENT: Peter McQueen (Chairman), Steve Ward, Grant Tambling and Gary Lambert

APOLOGIES: Jeanette Anictomatis, David Hibbert, and Robin Knox

OFFICERS PRESENT: Sarah Mattson (Secretary), Linda Henning, Sally Cunningham, Michael O'Neill, Steven Conn and Tony Brennan, for part of the meeting (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 10.00 am and closed at 2.35 pm

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

ITEM 1 **5 X 3 BEDROOM MULTIPLE DWELLINGS IN 2 X 2 STOREY BUILDINGS**
PA2013/0285 **LOT 2229 (25) PHILIP STREET, TOWN OF DARWIN**
APPLICANT **SAVVAS P SAVVAS ARCHITECT**

Mr Savvas Savvas attended.

Ms Helen Miralles, Mr Stu Fitch (neighbour), Mr Philip Long and Mr Warren Corowa.

Ms Lorraine Corowa, Ms Mandy Rutherford, Mr Jamie Cook, Ms Ali Fitch, Ms Bunty Long have sent their apologies.

Mr Stuart Fitch tabled his submissions.

Mr Warren Corowa tabled his submissions.

RESOLVED That, the Development Consent Authority vary the requirements of Clauses 6.5.3
128/13 (Parking Layout), 7.1.1 (Residential Density Limitations), 7.3 (Building Setbacks of Residential Buildings) and 7.3.1 (Additional Setback Requirements for Residential Buildings Longer Than 18 metres and for Residential Buildings Over 4 Storeys in Height) of the NT Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application to develop Lot 2229 (25) Philip Street, Town of Darwin for the purpose of 5 x 3 bedroom multiple dwellings in 2 x 2 storey buildings, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), 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 two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to include:
 - (a) A detailed landscaping plan that designates 30% of the site area as landscaping in accordance with Clause 7.7 (Landscaping for Multiple Dwellings, Hostels and Supporting Accommodation) of the NT Planning Scheme. The plan should also include details of surface finishes of pathways and driveways and a planting schedule of all proposed trees, shrubs and ground covers (including quantities of each plant).
2. Prior to the commencement of works (including site preparation), the applicant is to prepare a schematic plan demonstrating all stormwater to be collected on the site and discharged underground to Council's stormwater drainage system, to the requirements of City of Darwin and to the satisfaction of the consent authority.

3. Prior to the commencement of works (including site preparation) a waste management plan in accordance with Council's Waste Management Policy is required to be submitted, to the requirements of the City of Darwin, to the satisfaction of the consent authority.

GENERAL CONDITIONS

4. The works carried out under this permit shall be in accordance with drawing numbers endorsed as forming part of this permit.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
6. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
7. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the City of Darwin, to the satisfaction of the consent authority.
8. The owner shall:
 - a) remove disused vehicle and/ or pedestrian crossovers;
 - b) collect stormwater and discharge it to the drainage network; and
 - c) undertake reinstatement works;
all to the technical requirements of and at no cost to the City of Darwin, to the satisfaction of the consent authority.
9. 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;
 - d) drained;
 - e) clearly marked to show the direction of traffic along access lanes and driveways;
to the satisfaction of the consent authority.
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
10. The car parking shown on the endorsed plan(s) must be available at all times for the exclusive use of the occupants of the development and their (visitors/ clients).
11. Before the use/occupation of the development starts the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.

12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
13. All air conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner, to the satisfaction of the consent authority.
14. All balconies are to be internally drained and discharge is to be disposed of at ground level and in a manner consistent with stormwater disposal arrangements for the site to the satisfaction of the consent authority.
15. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.
16. The loading and unloading of goods from vehicles during the construction phase must only be carried out on the land.

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. The Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency's Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
3. The developer is required to contact 'Dial Before You Dig' on 1100 to obtain a location of the Telstra Network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the authority must consider any planning scheme that applies to the land to which the application relates.

The proposal to develop the lot for the purpose of 5 x 3 bedroom multiple dwellings in 2 x 2 storey buildings is consistent with the primary

purpose of Zone MD (Multiple Dwelling Residential) which is to provide for a range of housing options to a maximum height of two storeys. The development is considered to be of a scale, character and architectural style that is compatible with the streetscape and surrounding developments.

Variations to Clauses 7.1 (Residential Density Limitations), 7.3 (Building Setbacks of Residential Buildings) and 7.3.1 (Additional Setback Requirements for Residential Buildings Longer Than 18 metres and for Residential Buildings Over 4 Storeys in Height) are appropriate as the non-compliances with the Scheme represent a minor departure from the standard required which, in this case, is considered to result in sufficient demonstration of special circumstances for the variations sought. The actual non-compliant aspects are considered relatively minor and relate to slight departures from the standard required. Furthermore, the level of compliance achieved and exceeded in some respects, is representation that the land is capable of supporting the proposed development.

2. Pursuant to section 51(e) of the Planning Act, in considering a development application the consent authority is required to take into account any submissions made under section 49. Eight submissions were received raising concerns with the proposal particularly in regard to the proposed density, traffic congestion in Philip Street, retention of an existing tree and overlooking from balconies. The proposal provides compliant building setbacks to both side boundaries and screening to upper level balconies which suggest that minimum undue overlooking will occur. The applicant has demonstrated through amendments to the design that consideration has been given to ensure sufficient vehicle parking is provided and, through amendments to fencing and location of air conditioners/pool pumps that the existing level of privacy and amenity of residents of adjoining land is protected. The proposal further achieves compliance with the Scheme's requirements for fencing design, building height and private open space which demonstrates consideration for existing and adjacent land uses, the streetscape and the type and scale of development in line with that expected by the community and promoted by the Planning Scheme.
3. Pursuant to section 51(n) of the Planning Act, the consent authority must take into account the potential impact on the existing and future amenity of the area in which the land is situated. The application is consistent with the primary purpose of Zone MD (Multiple Dwelling) and seeks a variation for a minor departure from dwelling density provisions of the Scheme. The level of compliance achieved with other aspects of the Scheme is a representation that the proposal is appropriate for the site and locality, and is not considered to result in any negative impact on the surrounding area. For the above reasons, the proposed development is not expected to negatively impact on the existing and future amenity of the area.
4. A schematic stormwater plan and waste management plan are required in order for the development to demonstrate that it is technically feasible

to collect stormwater and manage rubbish on the site and dispose of it into Council's standards.

ACTION: Notice of Consent and Development Permit

**ITEM 2
PA2013/0215
APPLICANT**

**ALTERATIONS AND ADDITIONS TO AN EXISTING HOTEL
LOT 9469 (340) CASUARINA DRIVE, TOWN OF NIGHTCLIFF
PLANIT CONSULTING**

Ms Patrice Gill attended.

Ms Patrice Gill tabled her comments. Ms Gill showed photographs to support her submission and will email photographs to have them tabled.

**RESOLVED
129/13**

Recommendation Part A

That, pursuant to section 46(4)(b) of the Planning Act, the Development Consent Authority defer consideration of the application to develop Lot 9469 (340) Casuarina Drive, Town of Nightcliff, for the purpose of alterations and additions to an existing hotel in two stages, to require the applicant to provide the following information that the Authority considered necessary in order to enable the proper consideration of the application:

- Submission of a full set of amended plans, generally in accordance with the plans submitted with the application, but modified to show greater screening to the 'designated outdoor smoking area' on the southern side of the hotel (marked as room no. 65 on the plan marked A105), giving consideration to visual screening and noise impacts to surrounding residential premises; and
- Preparation of an updated landscaping plan showing an improved level of landscaping to the side and rear boundaries, giving consideration to a visual softening of this space and to the provision of an aesthetic buffer to the surrounding residential premises.

Recommendation Part B

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 9469 (340) Casuarina Drive, Town of Nightcliff, for the purpose of alterations and additions to an existing hotel in two stages, subject to:

- Receipt of an amended set of plans showing a greater level of screening and improved landscaping, as outlined in the deferral resolution; and
- The following conditions:

CONDITIONS PRECEDENT

1. Prior to endorsement of plans and prior to commencement of works (including site preparation), the applicant is to submit:

- a. An 'easement encroachment agreement' with the Power and Water Corporation regarding the possible encroachment into the existing sewerage easement within Lot 9469, Town of Nightcliff; or
 - b. Plans demonstrating the removal of all encroaching structures; or
 - c. Correspondence confirming that the positioning of all structures on the site, as shown on the submitted documentation, will not impact on any easements.
- All of the above shall be to the requirements of the Power and Water Corporation, to the satisfaction of the consent authority.
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a schematic plan demonstrating all stormwater can be collected on the site and discharged to Council's stormwater drainage system, to the requirements of the City of Darwin, to the satisfaction of the consent authority.

GENERAL CONDITIONS

3. Works carried out under this permit shall be in accordance the plans endorsed as forming part of this permit.
4. The restaurant at the eastern end of Lot 9469, as shown hashed in red on the 'demolition plan', marked as Sheet A104, is to remain unoccupied until the commencement of works associated with stage 2 of the development.
5. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
6. Any easements required for the reticulation of water supply, drainage, sewerage facilities, electricity or telecommunication services shall be provided in accordance with the relevant authority's requirements and applicable legislation at the time, at no cost to those authorities.
7. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and telecommunication networks to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
8. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin to the satisfaction of the consent authority.
9. 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.
10. Before the use or occupation of the development starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) drained;
 - (c) line marked to indicate each car space and all access lanes; and

- (d) clearly marked to show the direction of traffic along access lanes and driveways;
to the satisfaction of the consent authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.
11. The 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 City of Darwin and/ or the Road Networks Division of the Department of Transport, to the satisfaction of the consent authority.
12. No polluted and/ or sediment laden run-off is to be discharged directly or indirectly onto adjacent land, roadways and stormwater drainage systems.
13. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the City of Darwin, to the satisfaction of the consent authority.
14. Before the use/ occupation of the development starts the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
15. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
16. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

Notes:

1. The Power and Water Corporation advises that:
 - Payment is to be made in accordance with PAWC's 'water and sewerage services extension policy' (WASSEP) prior to the receipt of development clearance from PAWC.
 - The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and the Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the servicing requirements of the Corporation, and the need for upgrading of on-site and/or surrounding infrastructure.
2. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to the City of Darwin.
3. Notwithstanding the approved plans, any proposed works (including landscaping and structures) within Council's road reserve and Council land is subject to Council's approval and shall meet all Council's requirements, to the

satisfaction of the General Manager of Infrastructure, City of Darwin and at no cost to Council.

4. The Department of Lands, Planning and the Environment's 'Environment Protection Agency' advises that construction work should be conducted in accordance with the Department's Noise guidelines for development sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
5. The developer is to contact Telstra via the following website prior to any work commencing to facilitate the installation of the Telstra network: <http://www.telstrasmartcommunity.com/>, and is to register the development with NBN Co at <http://www.nbnco.com.au/getting-connected/new-developments.html>.
6. Telstra advises that the developer is required to contact "Dial Before You Dig" on 1100 to obtain a location of the Telstra network, and arrange for any removal or relocation if required.
7. In the event that food is provided for customers, the business must be registered with the Department of Health and must comply with the NT Food Act 2004 and the national food safety standards: Standard 3.1.1 Interpretation and Application, Standard 3.2.2 Food Safety Practices and General Requirements and Standard 3.2.3 Food Premises and Equipment.
8. The design and construction of any food premises must comply with the NT Food Act 2004 and the national food safety standards: Standard 3.2.3 Food Premises and Equipment and the Building Code of Australia.
9. Detailed plans must be submitted to the Department of Health via a building certifier for approval prior to the construction of building works, in the event that the site will be used as a food premises. Following approval the premises is required to be registered as a Food Business with the Department of Health prior to the use being undertaken.
10. It is an offence to cause an environmental nuisance under section 83(5) of the *Waste Management and Pollution Control Act*.

REASONS FOR THE DECISION

1. The development is consistent with the primary purpose of zone C (Commercial), being "to provide for a range of business and community uses". The use is not considered to result in undue detrimental amenity outcomes for surrounding residents, noting that it is of a scale and character in keeping with the existing hotel use operating over the site.
2. Lot 9469, Town of Nightcliff, has an existing sewerage easement running through it that is the responsibility of the Power and Water Corporation. It is necessary that the applicant obtain an appropriate approval for any

encroachments over this easement, or that the application be modified to remove any encroachment.

3. A schematic stormwater plan is required in order for the development to demonstrate that it is technically feasible to collect stormwater on the site and dispose of it into the local underground stormwater system, to the appropriate standards, and to ensure that no stormwater will sheet-flow into the road reserve or onto adjoining properties.
4. It is necessary that the existing restaurant at the eastern end of Lot 9469 remain unoccupied through stage 1 of the development approved by this permit in order to ensure compliance with clause 6.5.1 (Carparking Requirements) of the NT Planning Scheme.
5. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into account any planning scheme that applies to the land to which the application relates. In this regard, the fully compliant nature of the works proposed through this application are noted and seen as a positive aspect to the application.
6. Pursuant to section 51(e) of the *Planning Act*, the determination, and plans and correspondence provided by the applicant, have shown the concerns raised by the submitters to have been adequately addressed. The specific concern regarding the proximity of the hotel's rear entrance to surrounding premises is resolved through a reduction in the size of the outdoor smokers' area and greater enclosure of the spaces at the rear of the development. Concerns regarding carparking are believed to be addressed through the provision of greater carparking numbers on-site, which now complies with the requirements of clause 6.5.1 (Parking Requirements) of the Planning Scheme. With regard to the concern regarding the potential anti-social behaviour, the proposed works are not of such a scale that an increase in this behaviour would be expected, noting that they are also in line with the existing use on the site, which has been in operation over the site for a considerable period.
7. In accordance with the requirements of section 51(m) of the *Planning Act*, consideration has been given to all comments received from service authorities, with all relevant matters addressed through conditions or notes on the development permit, thereby ensuring that an appropriate level of service is maintained for the site and surrounding locality, and that all comments are appropriately addressed, including the protection of the sewerage easement identified by the Power and Water Corporation.

ACTION: Notice of Deferral

ITEM 3
PA2013/0294

APPLICANT

CHANGE OF USE FROM OFFICE TO RESTAURANT (PART UNIT 22)
UNITS 11126 & 11128 (APT 22) & (COMMON PROPERTY) (82) NIGHTCLIFF
ROAD, TOWN OF NIGHTCLIFF
GEORGE SAVVAS

Mr George Savvas and Mr George Vazanellis (owner) attended.

RESOLVED
130/13

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Unit 11126 (Apartment 22) and Unit 11128 (common property), Town of Nightcliff for the purpose of a change of use from office to restaurant (Part unit 22), subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of works (including site preparation), the applicant is to submit a parking management plan outlining how the basement carparking area is to be managed, with a view to ensuring that staff connected to the commercial tenancies on-site are to park on-site, without impacting on the carparking spaces allocated to the residential tenancies, to the satisfaction of the consent authority.
2. Prior to the commencement of works (including site preparation), the applicant is to provide confirmation that the parking management plan outlined in condition 1 has been accepted by the Body Corporate, to the satisfaction of the consent authority.

GENERAL CONDITIONS

3. The works carried out under this permit shall be in accordance with the drawings numbered 2013/0294/1 and 2013/0294/2, endorsed as forming part of this permit.
4. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity and telecommunications services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time, as determined necessary by the Power and Water Corporation.
6. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the consent authority.
7. All air-conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed to ground level in a controlled manner to the satisfaction of the consent authority.
8. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council, to the satisfaction of the consent authority.

Notes:

1. The Power and Water Corporation advises that:
 - Payment is to be made in accordance with PAWC's 'water and sewerage services extension policy' (WASSEP) prior to the receipt of development clearance from PAWC.
 - The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and the Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the servicing requirements of the Corporation, and the need for upgrading of on-site and/or surrounding infrastructure.
2. Notwithstanding the approved plans, all signage is subject to the approval of Darwin City Council.
3. Notwithstanding the approved plans, any proposed awnings, footpaths and landscaping works within Council's road reserve are subject to approval from the City of Darwin, and shall be undertaken at no cost to the City of Darwin.
4. In the event that food is provided for customers, the business must be registered with the Department of Health and must comply with the NT Food Act 2004 and the national food safety standards: Standard 3.1.1 Interpretation and Application, Standard 3.2.2 Food Safety Practices and General Requirements and Standard 3.2.3 Food Premises and Equipment.
5. The design and construction of any food premises must comply with the NT Food Act 2004 and the national food safety standards: Standard 3.2.3 Food Premises and Equipment and the Building Code of Australia.
6. Detailed plans must be submitted to the Department of Health via a building certifier for approval prior to the construction of building works, in the event that the site will be used as a food premises. Following approval the premises is required to be registered as a Food Business with the Department of Health prior to the use being undertaken.
7. It is an offence to cause an environmental nuisance under section 83(5) of the *Waste Management and Pollution Control Act*.

REASONS FOR THE DECISION

1. The development does not conflict with the purpose of zone C (Commercial), being to "provide for range of business and community services", and is considered acceptable for the subject site and locality. In line with clause 5.8 (Zone C – Commercial) of the NT Planning Scheme, the development is seen to "respect the amenity of adjacent and nearby uses, and promote community safety in building design, having regard to adjacent and nearby uses".

2. Pursuant to section 51(a) of the *Planning Act*, consideration is given to the fully compliant nature of the development with respect to the controls given in the Northern Territory Planning Scheme.
3. In accordance with the requirements of section 51(e) of the *Planning Act*, due consideration has been given to the submissions received, all of which were appropriately addressed and considered by the development consent authority, some of which are to be managed through conditions of consent and later approval processes.
4. In accordance with the requirements of section 51(m) of the *Planning Act*, all matters raised by the service authorities have been addressed via conditions on the development permit.
5. An assessment of the application against section 51(n) of the *Planning Act*, has concluded that the development will not unreasonably impact on the existing and future amenity of the area in which the land is situated. 'Amenity' being defined in clause 3.0 of the Planning Scheme as, "any quality, condition or factor that makes or contributes to making the locality or building harmonious, pleasant or enjoyable". The development gives due consideration to the land uses surrounding the site, with particular notice given to the residences adjoining its northeastern and southeastern boundaries.

ACTION: Notice of Determination

ITEM 4
PA2013/0218
APPLICANT

2 X 2 AND 80 X 3 BEDROOM MULTIPLE DWELLINGS IN 41 SINGLE STOREY BUILDINGS
SECTION 5874 (69) BOULTER ROAD, HUNDRED OF BAGOT
MASTERPLAN NT

Mr Brad Cunnington and Ms Shawna Wild attended.

Mr Brad Cunnington tabled updated plans.

RESOLVED
131/13

That the Development Consent Authority pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Section 5874 (69) Boulter Road, Hundred of Bagot, for the purpose of 2 x 2 bedroom and 80 x 3 bedroom multiple dwellings in 41 single storey buildings, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a schematic plan demonstrating all stormwater can be collected on the site and discharged to Council's stormwater drainage system, to the requirements of City of Darwin, to the satisfaction of the consent authority.
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare an Environmental Construction Management Plan (ECMP), to the requirements of the City of

Darwin, to the satisfaction of the consent authority. The CEMP is to address how construction will be managed on the site, including (but not necessarily limited to) waste management, haulage routes, stormwater drainage, use of City of Darwin land, and how the land will be managed during the construction state, to the satisfaction of the consent authority.

3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a Traffic Impact Assessment report prepared in accordance with the Austroads document 'Guide to Traffic Management Part 12: Traffic Impacts of Developments'. The report must outline changes that will be required to the surrounding road network and address vehicular, pedestrian, cyclist and public transport issues and opportunities. The report is to be to the approval of the City of Darwin, to the satisfaction of the consent authority.
4. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to provide confirmation from a registered surveyor that the north-western end of the 'future public road' will match the intended road locations approved for neighbouring sites to the east and west, to the satisfaction of the consent authority.
5. Prior to the commencement of works an Erosion and Sediment Control Plan (ESCP), including details and location of stormwater drains, is to be submitted to and approved by the consent authority on the advice of the Department of Land Resource Management, and an endorsed copy of the Plan will form part of this permit. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the satisfaction of the consent authority.

GENERAL CONDITIONS

6. Works carried out under this permit shall be in accordance the plans endorsed as forming part of this permit.
7. Before the use/ occupation of the development starts, the developer/ owner must pay a monetary contribution to the City of Darwin, in accordance with its contribution plan, to assist in upgrading infrastructure in the area, to the satisfaction of the consent authority.
8. Before the use/ occupation of the development starts, all works identified within the Traffic Impact Assessment, and any other works as required by the City of Darwin, are to be undertaken to the requirements of, and at no cost to, the City of Darwin, to the satisfaction of the consent authority.
9. An Occupancy Permit under the *Building Act* must not be issued, nor occupation of the development commence, until Section 5874, Hundred of Bagot, has been subdivided to create:
 - (a) A new parcel for the proposed future road reserve and the parcel reverted to Crown Land under the management of the Land Administration Division of the Department of Lands, Planning and the Environment. A right-of-way easement, in favour of the NT Government, over the internal accessway must be created to enable access to the future road reserve parcel for maintenance purposes.

- An agreement between the NT Government and the owner of the land must be entered into to ensure a right of access through the future road reserve parcel for all dwellings to the north of the strip marked 'future public road'.
- (b) A new parcel comprising a narrow strip of land along the entire Boulter Road frontage of the site, transferred to the City of Darwin. A right-of-way easement, corresponding to the vehicle accessway, in favour of the NT Government, is to be created over this strip of land. The owner of the land must obtain formal permission from the City of Darwin to cross this strip of land.
10. Prior to commencement of use, a waste management plan addressing the City of Darwin's Waste Management Policy 054 must be prepared to the requirements of the City of Darwin and to the satisfaction of the consent authority.
11. 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.
12. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities, and telecommunication networks to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
13. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of, and be at no cost to the City of Darwin, to the satisfaction of the consent authority.
14. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the Council, to the satisfaction of the consent authority.
15. 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 City of Darwin, and to the satisfaction of the consent authority.
16. Before the use or occupation of the development starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
- (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat; and
 - (d) drained;
- to the satisfaction of the consent authority.
- Car spaces, access lanes and driveways must be kept available for these purposes at all times.

17. The carparking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their visitors.
18. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
19. 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.
20. 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.
21. Soil erosion and dust control measures must be employed throughout the construction stage of the development, to the satisfaction of the consent authority.
22. All air-conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed to ground level in a controlled manner to the satisfaction of the consent authority.
23. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.

NOTES:

1. The City of Darwin advises that, notwithstanding the approved plans, any proposed awnings, footpaths and landscaping works within Council's road reserve are subject to approval from the City of Darwin, and shall be undertaken at no cost to Council.
2. The Power and Water Corporation advises that:
 - The proposed development has an impact on water pressure flows in the area, and the developer will, therefore, be required to pay a pro rata contribution in the area of \$113,642, based on the proportion of pipe flow that the proposed development draws.
 - Payment is to be made in accordance with PAWC's 'water and sewerage services extension policy' (WASSEP) prior to the receipt of development clearance from PAWC.
 - The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and the Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the servicing requirements of the Corporation, and the need for upgrading of on-site and/or surrounding infrastructure.

3. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities.
4. The developer is to contact Telstra via the following website prior to any work commencing to facilitate the installation of the Telstra network: <http://www.telstrasmartcommunity.com/>, and is to register the development with NBN Co at <http://www.nbnco.com.au/getting-connected/new-developments.html>.
5. Telstra advises that the developer is required to contact "Dial Before You Dig" on 1100 to obtain a location of the Telstra network, and arrange for any removal or relocation if required.
6. Any lighting installed as part of the development is to consider section 9.21 '*Lighting in the Vicinity of Aerodromes*' of the CASA Manual of Standards Part 139, available at: <http://www.commlaw.g/Details/F2012C00280>.
7. The Department of Lands, Planning and the Environment's 'Environment Protection Agency' advises that construction work should be conducted in accordance with the Department's Noise guidelines for development sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

REASONS FOR THE DECISION

1. The proposal to develop the site for the purpose of 41 single storey multiple dwellings is consistent with the primary purpose of Zone MD (Multiple Dwelling Residential), which is to "provide for a range of housing options to a maximum height of two storeys above ground level".
2. A schematic stormwater plan is required in order for the development to demonstrate that it is technically feasible to collect stormwater on the site and dispose of it into Council's stormwater drainage system, and to ensure that no stormwater will sheet-flow into the road reserve or onto adjoining properties.
3. An Environmental Construction Management Plan (ECMP) is required to address concerns raised by the City of Darwin regarding the proper management of the site during the construction phase, and to ensure that works will not affect public amenity or result in undue pollution from the site.
4. A traffic impact assessment report, in accordance with the Austroads document 'Guide to Traffic Management Part 12: Traffic Impacts of Developments', is required in order to demonstrate that the development can be supported without undue impact on the site and locality, and in recognition of the matters raised by the City of Darwin and the Road

Networks Division of the Department of Transport, as required by section 51(n) of the *Planning Act*.

5. Land for a future road reserve is required to be created to ensure that development is consistent with the intentions of subclause 3 of clause 14.1.2 (Berrimah North Planning Principles) of the NT Planning Scheme, which seeks a connected street network.

ACTION:

Notice of Consent and Development Permit

**ITEM 5
PA2013/0272
APPLICANT**

**4 X 3 BEDROOM MULTIPLE DWELLINGS IN A 2 STOREY BUILDING
LOT 4677 (16) QUANDONG CRESCENT, TOWN OF NIGHTCLIFF
GOLDBOX**

Mr Paul Winter, Mr George Kamitsis, Mr Adam Bond and Ms Maria Pajarillo attended.

Mr Steven and Ms Judith Walker, Ms Jackie Clearey, Mr John and Ms Helen Tate, Mr Ray and Ms Bev Fauntleroy attended.

Mr Paul Winter (Goldbox) addressed the submissions.

Mr Steven Walker addressed his submissions.

Mr John Tate addressed his submissions.

Mr Ray Fauntleroy addressed the DCA.

Ms Jackie Clearey addressed the DCA.

DAS tabled an addendum.

**RESOLVED
132/13**

That the Development Consent Authority vary the requirements of clause 7.1.1 (Residential Density Limitations) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 4677 (16) Quandong Crescent, Town of Nightcliff for the purpose of 4 x 3 bedroom multiple dwellings in a two storey building, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), 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. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) The addition of two visitors' car parks to the satisfaction of the consent authority.

2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to submit a parking management plan outlining how the site is to be managed during the construction stage, with a view to ensuring that vehicles connected to the construction of the development are to be parked on-site, without impacting on the on-street parking spaces, to the satisfaction of the consent authority.
3. Prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Darwin's stormwater drainage system shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority. The plan shall include details of site levels and Council's stormwater drain connection point/s.
4. Prior to the commencement of works, the applicant is to submit a Waste Management Plan demonstrating waste disposal, storage and removal, to the requirements of the City of Darwin, to the satisfaction of the consent authority.

GENERAL CONDITIONS

5. The works carried out under this permit shall be in accordance with the drawings numbered 2013/0272/1 through to 2013/0272/7, endorsed as forming part of this permit.
6. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
7. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities and electricity and telecommunication networks to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
8. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of, and be at no cost to the City of Darwin, to the satisfaction of the consent authority.
9. 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 City of Darwin, and to the satisfaction of the consent authority.
10. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.

11. Before the occupation of the development starts, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
13. All air-conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed to ground level in a controlled manner to the satisfaction of the consent authority.
14. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.
15. Soil erosion and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
16. No polluted and/or sediment laden run-off is to be discharged directly or indirectly to City of Darwin drains or to any watercourse.

Notes:

1. Notwithstanding the approved plans, any works and/ or landscaping within Council's road reserve is subject to Council's approval and shall meet all Council's requirements to the satisfaction of the City of Darwin and at no cost to Council.
2. The Power and Water Corporation advises that:
 - It is a requirement that the water service to the units be multi-metered.
 - A 1 x 1m electricity easement may be required within the property.
 - Payment is to be made in accordance with PAWC's 'water and sewerage services extension policy' (WASSEP) prior to the receipt of development clearance from PAWC.
 - The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and the Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the servicing requirements of the Corporation, and the need for upgrading of on-site and/or surrounding infrastructure.
3. Professional advise regarding implementation of soil erosion and dust control measures to be employed throughout the construction phase of the development is available from the Department of Land Resource Management.
4. The Department of Lands, Planning and the Environment's 'Environment Protection Agency' advises that construction work should be conducted in accordance with the Department's Noise guidelines for development sites. The guidelines specify that on-site construction activities are restricted to between

7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

5. Telstra advises that the developer is required to contact “Dial Before You Dig” on 1100 to obtain a location of the Telstra network, and arrange for any removal or relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.

REASONS FOR THE DECISION

1. The proposed development is consistent with the purpose of Zone MD (Multiple Dwelling Residential), which is to provide “for a range of housing options to a height of two storeys above ground level” and being of a “scale, character and architectural style” that is “compatible with the streetscape and surrounding development”.
2. A variation to Clause 7.1.1 (Residential Density Limitations) is supported as the non-compliance with this clause represents a minor departure from the standard required which, in this case, is considered to result in sufficient demonstration of special circumstances for the variation sought. Furthermore, the level of compliance achieved and exceeded in some cases, is further representation that the land is capable of supporting the proposed development.
3. Pursuant to section 51(e) of the Planning Act, in considering a development application the consent authority is required to take into account any submissions made under section 49. Two submissions were received raising concerns with the proposal particularly in regard to the proposed density, on-street parking within Quandong Crescent and privacy/amenity impacts on adjoining landowners. The design achieves compliance with the Scheme’s requirements for building height, private open space, on-site vehicle parking and requires a minor variation to dwelling density provisions. The extent of compliance achieved in other aspects of the design demonstrates consideration for existing dwellings and adjacent land uses, the streetscape and the type and scale of development in line with that expected by the community and promoted by the Planning Scheme.
4. Pursuant to section 51(n) of the *Planning Act*, the consent authority must take into account the potential impact on the existing and future amenity of the area in which the land is situated. The application is consistent with the primary purpose of Zone MD (Multiple Dwelling Residential) and seeks a variation for what is a minor departure from dwelling density provisions of the Scheme. The level of compliance achieved with the Scheme is a representation that the proposal is appropriate for the site and locality, and is not considered to result in any overwhelming negative impact on the surrounding area. For the above reasons, the proposed development is not expected to negatively impact on the existing and future amenity of the area.

5. A schematic stormwater plan is required in order for the development to demonstrate that it is technically feasible to collect stormwater on the site and dispose of it into Council's stormwater drainage system, and to ensure that no stormwater will sheet-flow into the road reserve or onto adjoining properties.

ACTION:

Notice of Consent and Development Permit

ITEM 6
PA2013/0288

CHANGES TO THE DEVELOPMENT APPROVED BY DP09/0771 TO ALLOW USE OF THE DEVELOPMENT FOR THE PURPOSE OF 92 X 2 BEDROOM MULTIPLE DWELLINGS

APPLICANT

LOT 8739 (33) PROGRESS DRIVE, TOWN OF NIGHTCLIFF
THE BUILD WITH PRIDE TRUST

Neil Sunners (Sunbuild) attended.

Mr Sunners tabled a response to the submissions.

RESOLVED
133/13

That, the Development Consent Authority vary the requirements of clauses 7.1.1 (Residential Density Limitations), 7.1.2 (Residential Height Limitations) and 8.3 (Setbacks for Commercial Uses Adjacent to Land in Zones SD, MD, MR or HR) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 8739 (33) Progress Drive, Town of Nightcliff, for the purpose of changes to the development approved by DP09/0771 to allow use of the development for the purpose of 92 x 2 bedroom multiple dwellings, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of works (including site preparation) an updated schematic plan demonstrating all stormwater to be collected on the site and discharged into the local underground stormwater system, to the standards and approval of the City of Darwin, to the satisfaction of the consent authority.
2. Prior to the endorsement of plans and prior to commencement of works (including site preparation), the applicant is to prepare an Environmental Construction Management Plan (ECMP), to the requirements of the City of Darwin, to the satisfaction of the consent authority. The ECMP is to address how construction will be managed on the site, and should specifically address waste management, traffic control, haulage routes, stormwater drainage, and the use of City of Darwin land during construction.
3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation) a 'Traffic Management Plan' shall be prepared to the satisfaction of the Department of Transport's Public Transport Division that addresses the ongoing provision of public transport services during construction.

GENERAL CONDITIONS

4. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
5. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
6. Any easements required for the reticulation of water supply, drainage, sewerage facilities, electricity or telecommunication services shall be provided in accordance with the relevant authority's requirements and applicable legislation at the time, at no cost to those authorities.
7. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and telecommunication networks to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
8. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin to the satisfaction of the consent authority.
9. 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.
10. Before the use or occupation of the development starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (e) constructed;
 - (f) drained;
 - (g) line marked to indicate each car space and all access lanes; and
 - (h) clearly marked to show the direction of traffic along access lanes and driveways;to the satisfaction of the consent authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.
11. The 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 City of Darwin, to the satisfaction of the consent authority.
12. No polluted and/ or sediment laden run-off is to be discharged directly or indirectly onto adjacent land, roadways and stormwater drainage systems.
13. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.

14. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the City of Darwin, to the satisfaction of the consent authority.
15. All air conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
16. The car parking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their visitors.
17. Before the use/ 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.
18. 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.
19. The loading and unloading of goods from vehicles must only be carried out on the subject site, and is not to disrupt the circulation and parking of vehicles on the land or the surrounding street network. All loading bays are to be line marked.
20. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

Notes:

1. The Power and Water Corporation advises that:
 - Payment is to be made in accordance with PAWC's 'water and sewerage services extension policy' (WASSEP) prior to the receipt of development clearance from PAWC.
 - The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and the Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the servicing requirements of the Corporation, and the need for upgrading of on-site and/or surrounding infrastructure.
2. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to the City of Darwin.
3. Notwithstanding the approved plans, any proposed works (including landscaping and structures) within Council's road reserve and Council land is subject to Council's approval and shall meet all Council's requirements, to the satisfaction of the General Manager of Infrastructure, City of Darwin and at no cost to Council.

4. The Department of Lands, Planning and the Environment's 'Environment Protection Agency' advises that construction work should be conducted in accordance with the Department's Noise guidelines for development sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
5. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to the City of Darwin.
6. Notwithstanding the approved plans, any proposed works (including landscaping and structures) within Council's road reserve and Council land is subject to Council's approval and shall meet all Council's requirements, to the satisfaction of the General Manager of Infrastructure, City of Darwin and at no cost to Council.
7. The Department of Lands, Planning and the Environment's 'Environment Protection Agency' advises that construction work should be conducted in accordance with the Department's Noise guidelines for development sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
8. The developer is to contact Telstra via the following website prior to any work commencing to facilitate the installation of the Telstra network: <http://www.telstrasmartcommunity.com/>, and is to register the development with NBN Co at <http://www.nbnco.com.au/getting-connected/new-developments.html>.
9. Telstra advises that the developer is required to contact "Dial Before You Dig" on 1100 to obtain a location of the Telstra network, and arrange for any removal or relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1-800-810-443.
10. In the event that food is provided for customers, the business must be registered with the Department of Health and must comply with the NT Food Act 2004 and the national food safety standards: Standard 3.1.1 Interpretation and Application, Standard 3.2.2 Food Safety Practices and General Requirements and Standard 3.2.3 Food Premises and Equipment.
11. The design and construction of any food premises must comply with the NT Food Act 2004 and the national food safety standards: Standard 3.2.3 Food Premises and Equipment and the Building Code of Australia.
12. Detailed plans must be submitted to the Department of Health via a building certifier for approval prior to the construction of building works, in the event that the site will be used as a food premises. Following approval the premises is required to be registered as a Food Business with the Department of Health prior to the use being undertaken.

13. It is an offence to cause an environmental nuisance under section 83(5) of the *Waste Management and Pollution Control Act*.

REASONS FOR THE DECISION

1. The proposal is consistent with the primary purpose of zone C (Commercial), being “to provide for a range of business and community uses”. The use is not considered to conflict with existing uses within the vicinity of Lot 8739, Town of Nightcliff. Clause 5.8 of the Planning Scheme also directs developments in zone C to be of a scale and character that is appropriate to the service function of the particular centre, and to promote community safety in building design. The site is on the edge of a larger neighbourhood shopping/ commercial centre and provides the opportunity to accommodate a mixed use. The proposal, which incorporates a less intensive commercial use than could otherwise be developed, in recognition of the nearby residential developments, and presenting an appropriate transition between the commercial uses to the north and west, and the abutting residential land to the east, thereby showing consideration to the amenity of the adjoining, more sensitive, residential land. The proposal includes a good level of commercial activity at ground level, sited towards the nearby commercial centre, with the remainder of the development being for residential use. The building design includes active interfaces at street level along the Dick Ward Drive and Progress Drive frontages, with outlook from the residential balconies and communal facilities to the abutting street.
2. A variation to the requirements of clause 7.1.1 (Residential Density Limitations) of the NT Planning Scheme for an increased density is supported as the purpose of this clause is to ensure that residential development is of a density that is compatible with the existing and planned provision of reticulated services and community facilities that will service the area, noting that none of the authorities raised any specific issues of concern with regard to servicing of the development, thereby indicating that the existing services in the area can ably support the development. This non-compliance is also identical to that approved through DP09/0771.
3. A variation to the requirements of clause 7.1.2 (Residential Height Limitations) of the NT Planning Scheme for a building height greater than 3 storeys is supported as:
 - a. Land in the area to the south of Progress Drive is within zone MR (Medium Density Residential), HR (High Density Residential) and zone C (Commercial), which allows development of between 3 and 8 storeys.
 - b. Nearby sites and the surrounding area are at a stage where redevelopment would be expected in the short to medium term to heights similar to that currently proposed through this development.
 - c. The overall height of the development is consistent with the purpose of the clause, which is to “ensure that residential development is of a height that is compatible with adjoining or nearby existing development or development reasonably anticipated”.

- d. The variation to the height control is also identical to that approved through DP09/0771.
4. A variation to clause 8.3 (Setbacks for Commercial Uses Adjacent to Land in Zones SD, MD, MR or HR) is supported as the commercial component of the development is located well away from the abutting residential land, and the mandatory 3m of landscaping is provided along the eastern property boundary appurtenant to the abutting residential land. The variation to the setback control listed in subclause 2 of clause 8.3 is identical to that given in the development approved through DP09/0771.
5. An updated schematic stormwater plan is required in order for the development to demonstrate to the City of Darwin that it is technically feasible to collect stormwater on the site and dispose of it into the local underground stormwater system, to the appropriate standards, and to ensure that no stormwater will sheet-flow into the road reserve or onto adjoining properties.
6. A 'Traffic Management Plan' is to be provided to the satisfaction of the Department of Transport's Public Transport Division as the site is on a services route and assurance is required that bus routes will not be affected, including during the construction phase.
7. In accordance with the requirements of section 51(m) of the *Planning Act*, consideration has been given to all comments received from service authorities, with all relevant matters addressed through conditions or notes on the development permit, thereby ensuring that an appropriate level of service is maintained for the site and surrounding locality, and that the impact of the development does not unduly spread to the surrounding area.

ACTION:

Notice of Determination

**ITEM 7
PA2013/0299**

**ADDITIONS TO AN EXISTING LEISURE AND RECREATION COMPLEX
INCLUDING ANCILLARY ADMINISTRATION, TRAINING AND SHORT-TERM
ACCOMMODATION FACILITIES**

APPLICANT

**SECTION 4982 (70) ABALA ROAD, HUNDRED OF BAGOT
HAMES SHARLEY SA**

Mr David Cooke (Hames Sharley SA), Mr David Cvirn (Northern Projects), Mr Tony Forley and Mr Steve Nugent (AFL) attended.

**RESOLVED
134/13**

That, the Development Consent Authority vary the requirements of Clauses 6.1 (General Height Control), 6.5.1 (Parking Requirements), 6.8 (Demountable Structures) and 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Section 4982 (70) Abala Road, Hundred of Bagot for the purpose of additions to an existing leisure and recreation complex including

ancillary administration, training, education and short-term accommodation facilities, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works, a landscaping plan to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions. The landscaping plan must be generally in accordance with the landscape concept plan submitted with the application, except that the plan is to:
 - (a) show the layout of the landscaping proposed, a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, quantities of each plant and the method of irrigation;
 - (b) maximise the use of larger shade trees where permitted;
 - (c) minimise opportunities for concealment between the demountable accommodation structures; and
 - (d) avoid species which might have an adverse impact on the safe operation of Darwin International Airport.
2. Prior to the commencement of works (including site preparation), a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Darwin's stormwater drainage system shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority. The plan shall include details of site levels and City of Darwin's stormwater drain connection point/s.
3. Prior to the commencement of works (including site preparation), the applicant is to submit a Waste Management Plan demonstrating waste disposal, storage and removal, to the requirements of the City of Darwin, to the satisfaction of the consent authority.
4. Prior to the commencement of works (including site preparation), the applicant is to prepare an Environmental and Construction Management Plan (ECMP), to the requirements of the City of Darwin. The ECMP is to address how construction will be managed on the site, including (but not necessarily limited to) waste management; traffic management; haulage routes; storm water drainage; use of City of Darwin land; and how the land will be managed during the construction stage, to the satisfaction of the consent authority.

GENERAL CONDITIONS

5. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
6. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities and telecommunication networks to the land shown on the endorsed plan in

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

7. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
8. The owner shall:
 - (i) remove disused vehicle and/or pedestrian crossovers;
 - (j) provide footpaths/cycleways;
 - (k) collect stormwater and discharge it to the drainage network; and
 - (l) undertake reinstatement works;

all to the technical requirements of and at no cost to the City of Darwin, to the satisfaction of the consent authority.

9. Storage for waste disposal bins is to be provided to the requirements of City of Darwin and the Department of Health (Environmental Health), to the satisfaction of the consent authority.
10. The loading and unloading of goods from vehicles must only be carried out on the land within the designated loading bay and must not disrupt the circulation and parking of vehicles on the land.
11. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining or nearby land, to the satisfaction of the consent authority.
12. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
13. Before the 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.
14. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
15. All air conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
16. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
17. No polluted and/or sediment laden run-off is to be discharged directly or indirectly to City of Darwin drains or to any watercourse.

18. Construction related parking and site deliveries are not to disrupt the ongoing provision of public transport services to the area.
19. The short-term accommodation facilities are to be used only in association with the learning centre and primary leisure and recreation use of the site. Long-term and/or unrelated occupation of the accommodation units is not permitted.

NOTES

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. The Power and Water Corporation advises that full lot fire coverage cannot be achieved from existing hydrants. Internal fire fighting arrangements shall be made to the satisfaction of the NT Fire and Rescue Service.
3. The Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency's Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
4. The Darwin International Airport advises that any external lighting proposed must comply with Section 9.21 'Lighting in the Vicinity of Aerodromes' of the CASA Manual of Standards Part 139.
5. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development is available from the Department of Land Resource Management.
6. Notwithstanding the approved plans, any works and/or landscaping within City of Darwin's road reserve is subject to City of Darwin approval and shall meet all of City of Darwin's requirements, to the satisfaction of and at no cost to the City of Darwin.
7. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to the City of Darwin.
8. The Department of Health (Environmental Health) advises that the premises are to be constructed and operated in accordance with Northern Territory public health legislation, the National Construction Code and in consultation with Environmental Health.

9. The developer will be required to contact “Dial Before You Dig” on 1100 to obtain the location of the Telstra network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.

REASONS FOR THE DECISION

1. The proposed development is consistent with the purpose of Zone OR (Organised Recreation) of the Northern Territory Planning Scheme, being to provide areas for organised recreational activities. The development would provide additional administration, training and match day facilities for the existing sporting complex as well as an associated learning and leadership centre integrated with the complex’s sporting focus and facilities.
2. A variation to the general height limit of Clause 6.1 (General Height Control) of the NT Planning Scheme is acceptable given that the proposal satisfies the purpose of the clause, being to ensure that the height of buildings is consistent with development provided for by that zone. The main building is consistent and compatible with the existing grandstand on the subject lot, considering the way in which it would gradually increase in height from Abala Road toward its innermost point and the existing grandstand. As proposed, the building would create some continuity to the scale of the main grandstand and add to the oval’s stadium effect.
3. Pursuant to Clause 6.5.2 (Reduction in Parking Requirements), it is acceptable that no further on-site parking be provided for the proposed development, considering the nature of the existing and proposed development and the substantial difference in site parking demand between typical days and major sporting events.

Given that the siting of the building would remove a significant amount of spectator viewing area (i.e. the majority of the northern viewing mound), it is likely that the proposal would result in a net reduction of car parking demand during major sporting events.

Considering the scale of the proposed centre and the scope of its match day uses, any net increase in peak parking demand would be negligible in the context of the total parking demand. As the existing on-site car parking areas are only fully utilised on an infrequent basis, any benefit gained by providing more car parking on site would be disproportionate to the loss of land that might otherwise be developed for organised recreation purposes.

The ongoing use of Traffic Management Plans for major sporting events is considered to be a more practical and sustainable approach to providing for car parking demand generated during such events.

4. Regarding setbacks to the accommodation demountables, the shape of the subject site and existing sporting oval are considered to represent a special circumstance for consideration. The curvilinear boundaries of the

subject area constrain the siting of regularly shaped buildings such as the accommodation demountables proposed.

Variations to the setback requirements of Clauses 6.8 (Demountable Structures) and 7.3 (Building Setbacks of Residential Buildings) are acceptable given that the placement of the structures, their design and the materials, landscaping and fencing proposed is such that the resultant built form would be consistent with the objectives of these clauses.

The skillion roofs, the variety of materials proposed, the timber slat fencing and landscaping of the Abala Road frontage and the way in which the demountable units would present as a continuation of the main building's building line are all aspects of the demountable structures which would minimise any adverse impact in terms of building massing when viewed from the street.

The non-residential nature of the area, the single storey scale of the structures, the landscaping and fencing proposed and the location of habitable room windows are such that the reduced setbacks would not facilitate undue overlooking of adjoining properties.

Windows are proposed at the front and rear of each structure, which include high-set clerestory windows, and no habitable room windows are proposed within the sides of each structure, therefore the reduced setbacks between structures would not lead to instances of overlooking or compromise breeze penetration.

5. A more detailed landscaping plan is required to maximise on-site amenity, ensure that the proposal will not affect the safe operation of Darwin International Airport, maximise the potential for passive climate control of the accommodation demountables and enhance the appearance of the demountables when viewed from the street.
6. City of Darwin advises that it is the sole authority responsible under the *Local Government Act* and associated by-laws for stormwater drainage, waste management and the local road network, and as such it has requested details of the collection and discharge of stormwater run-off, the storage and disposal of waste and site management during construction.

ACTION: Notice of Consent and Development Permit

**ITEM 8
PA2013/0251
APPLICANT**

**HEALTH AND WELLNESS CENTRE
LOT 9738 (47) FRESHWATER ROAD, TOWN OF NIGHTCLIFF
MASTERPLAN NT**

Mr Brad Cunnington, Ms Shauna Wild, Ms Adele Godfrey, Ms Sandra Howlin, Mr Arvina Liyanage and Mr Keoh Goodall (Goodall Business Solutions) attended.

Mr Allan White, Ms Peta Wilson, Mr Frank Jones, Mr Barry and Ms Ly Martin, Ms Marie Purtell, Ms Nicole Boucher, Mr Neville Wilson, Mr Malcolm Green, Mr James Lugg, Ms Suzanne Mortimore and Ms Margaret Clinch.

Mr Brad Cunnington responded to any tabled submissions and questions.
Ms Sandra Howlin addressed the submitters and DCA on the engineering report for the driveway.

Mr Malcolm Green asked the DCA questions.
Mr Malcolm Green addressed his submissions.
Mr Frank Jones addressed his submissions.
Mr Barry Martin addressed his submissions.
Mr James Lugg addressed his submissions.
Ms Peta Wilson addressed her submissions.
Ms Suzanne Mortimore addressed her submissions.
Ms Nicole Boucher addressed her submissions.
Ms Margaret Clinch (The Planning Action Network) addressed her submissions.

**RESOLVED
135/13**

That, the Development Consent Authority vary the requirements of Clauses 6.5.3 (Parking Layout) and 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 9738 (47) Freshwater Road, Town of Nightcliff for the purpose of a health and wellness centre, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works, a landscaping plan to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions. The landscaping plan must be generally in accordance with the landscape concept plan and design intent report submitted with the application, except that the plan must show the layout of the landscaping proposed, a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, quantities of each plant and the method of irrigation. All species selected must be to the satisfaction of the consent authority. The plan is to be designed to prevent any adverse impact on the safe operation of Darwin International Airport.
2. Prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Darwin's stormwater drainage system shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority. The plan shall include details of site levels and City of Darwin's stormwater drain connection point/s.
3. Prior to the commencement of works, the applicant is to submit a Waste Management Plan demonstrating waste disposal, storage and removal, to the requirements of the City of Darwin, to the satisfaction of the consent authority.

GENERAL CONDITIONS

4. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities and telecommunication networks to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
6. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
7. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of City of Darwin, to the satisfaction of the consent authority.
8. The owner shall:
 - (m) remove disused vehicle and/or pedestrian crossovers;
 - (n) provide footpaths/cycleways;
 - (o) collect stormwater and discharge it to the drainage network; and
 - (p) undertake reinstatement works;

all to the technical requirements of and at no cost to the City of Darwin, to the satisfaction of the consent authority.
9. Before the use 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) drained; and
 - (d) clearly marked to show the direction of traffic along access lanes and driveways;

to the satisfaction of the consent authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.
10. Storage for waste disposal bins is to be provided to the requirements of City of Darwin and the Department of Health (Environmental Health), to the satisfaction of the consent authority.
11. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the consent authority.

12. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
13. Before the 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.
14. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
15. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
16. No polluted and/or sediment laden run-off is to be discharged directly or indirectly to City of Darwin drains or to any watercourse.
17. The use may operate only between the hours of 10am and 6pm, Monday to Saturday.

NOTES

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. The Power and Water Corporation advises that full lot fire coverage cannot be achieved from existing hydrants. Internal fire fighting arrangements shall be made to the satisfaction of the NT Fire and Rescue Service.
3. The Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency's Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
4. The Darwin International Airport advises that the site is within the extraneous lighting Zone B, and any external lighting proposed must comply with Section 9.21 'Lighting in the Vicinity of Aerodromes' of the CASA Manual of Standards Part 139.

5. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development is available from the Department of Land Resource Management.
6. Notwithstanding the approved plans, any works and/or landscaping within City of Darwin's road reserve is subject to City of Darwin approval and shall meet all of City of Darwin's requirements, to the satisfaction of and at no cost to the City of Darwin.
7. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to the City of Darwin.
8. The Department of Health (Environmental Health) advises the following:
 - The premises are to be constructed and operated in accordance with Northern Territory public health legislation, the National Construction Code and the Public & Environmental Health Draft Guidelines for Hairdressing, Beauty Therapy and Body Art; and
 - Where the water supply is sourced from rainwater collection, the owner is responsible for ensuring a supply of safe potable water is provided, particularly with respect to microbiological quality.
9. The developer will be required to contact "Dial Before You Dig" on 1100 to obtain the location of the Telstra network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.
10. This development permit does not permit the use of any part of the site for a medical clinic.

REASONS FOR THE DECISION

1. The proposal is consistent with the purpose of SD11 (Specific Use Darwin No. 11) of the Northern Territory Planning Scheme, being to facilitate the use and development of the land for a range of uses consistent with the non-urban character and amenity of the area so zoned.

The proposed centre's focus on using the natural environment as part of the services offered, the minimal amount of physical development proposed, the retention of the majority of the existing mature vegetation across the site and measures to minimise the amenity and environmental impacts of the development on the surrounding area are all aspects of the development which demonstrate its consistency with the purpose of SD11. The proposal is considerate of the streetscape, neighbouring properties and the natural values of the area.

2. The non-urban character of the area is considered to represent a special circumstance for consideration. A variation to the requirements of Clause 6.5.3 (Parking Layout) of the NT Planning Scheme is acceptable as the

car park would be well drained, is appropriately designed for its intended purpose and the compacted gravel surface would be more consistent with the non-urban character of the property.

3. In regard to setbacks to the reflective platform and boardwalk structure, the location of the existing pond and associated embankment are considered to represent a special circumstance for consideration. Considering the nature of the proposed land use and its emphasis on using the natural environment, siting the reflective platform on the existing embankment adjacent to the pond is logical as it would facilitate views across the pond and the rest of the site.

A variation to the setback requirements of Clause 7.3 (Building Setbacks of Residential Buildings) is acceptable given the minimalist nature of the platform and boardwalk structure. Considering that the structure would have no external walls and its finished floor level would be generally consistent with the existing topography of the area, the reduced setbacks would be unlikely to have an adverse impact on neighbouring properties in terms of building massing or compromise breeze flow. Retaining the majority of the mature trees along the boundaries in proximity to the proposed structure and the additional landscaping proposed would serve to avoid undue overlooking of neighbouring properties.

4. A more detailed landscaping plan is required to minimise any adverse impacts of the development on the amenity of the Freshwater Road streetscape and neighbouring properties and to maintain the non-urban character of the property.
5. City of Darwin advises that it is the sole authority responsible under the *Local Government Act* and associated by-laws for stormwater drainage and waste management, and as such it has requested details of the collection and discharge of stormwater run-off and the storage and disposal of waste.

ACTION:

Notice of Determination

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



PETER MCQUEEN
Chairman

13 /6/13