



# **DEVELOPMENT CONSENT AUTHORITY**

## **DARWIN DIVISION**

### **MINUTES**

**MEETING No. 255 – FRIDAY 5 JUNE 2015**

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

**MEMBERS PRESENT:** Denis Burke (Chairman), Ross Baynes, Grant Tambling and Bob Elix

**APOLOGIES:** Garry Lambert and Robin Knox

**OFFICERS PRESENT:** Margaret Macintyre (Secretary), Adelle Godfrey, Joseph Sheridan, Stephanie Breuer and Ann-Marie Dooley (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Nil

**Meeting opened at 9.30am and closed at 12 noon**

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

**ITEM 1**                    **2 X 3 BEDROOM MULTIPLE DWELLINGS IN A SINGLE STOREY BUILDING**  
**PA2015/0244**           **LOT 11470 (23) BEVAN STREET, TOWN OF NIGHTCLIFF**  
**APPLICANT**           **ONE PLANNING CONSULT**

Mr Israel Kgosiemang (One Planning Consult) attended.

**RESOLVED**  
**144/15**

That the Development Consent Authority vary the requirements of Clauses 7.3.1 (Additional Setback Requirements for Residential Buildings Longer than 16 Metres and for Residential Buildings Over 4 Storeys in Height) and 7.5 (Private Open Space) of the Northern Territory Planning Scheme and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 11470 (23) Bevan Street, Town of Nightcliff for the purpose of 2 x 3 bedroom multiple dwellings in a single storey building, subject to the following conditions:

#### **CONDITIONS PRECEDENT**

1. Prior to the endorsement of plans and prior to commencement of works, a detailed landscape plan to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The landscaping plan must be generally in accordance with the plans submitted with the application except that the plan must show:
  - details of the location and species of screening vegetation along the fence line around the private open space areas.  
All species selected must be to the satisfaction of the consent authority.
2. Prior to the endorsement of plans, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Darwin stormwater drainage system shall be submitted to and approved by the City of Darwin.
3. 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, and is to include details of waste management, traffic control and haulage routes, stormwater drainage and the use of City of Darwin land during construction.
4. Prior to the commencement of works, the applicant is to prepare a dilapidation report covering infrastructure within the road reserve to the satisfaction of the General Manager Infrastructure, City of Darwin at no cost to City of Darwin.

#### **GENERAL CONDITIONS**

5. Works carried out under this permit shall be in accordance with the drawings numbered endorsed as forming part of this permit.

6. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created.
  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 of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
  9. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to City of Darwin to the satisfaction of the consent authority.
  10. 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.
  11. Landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
  12. The private open space areas of each dwelling shall be screened on each boundary by:
    - (a) The erection of a solid wall or screen fence not less than 1.8 metres high; or
    - (b) Fenced to a height not less than 1.8 metres high and planted with dense vegetation.
  13. 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.
- and
- 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, to the satisfaction of the consent authority.
14. No fence, hedge, tree or other obstruction exceeding a height of 0.6 metres is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
  15. Storage for waste disposal bins is to be provided to the requirements of City of Darwin to the satisfaction of the consent authority.

16. All air conditioning condensers (including any condenser units required to be added or replaced in the future) 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.
17. 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.
18. Soil erosion 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 the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites in the Northern Territory. 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. 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 Department of Land Resource Management.

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

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. The application is consistent with the purpose of Zone SD23 (Specific Use Darwin No. 23) being to "facilitate the subdivision, use and development of the land as a residential estate that provides for housing choice through a range of lot sizes and housing types".
2. A variation to Clause 7.3.1 (Additional Setback Requirements for Residential Buildings Longer than 18 Metres and for Residential Buildings over 4 Storeys in Height) of the Northern Territory Planning Scheme is supported as the non-compliance is minor and will only occur to one boundary. Furthermore, varied building heights, cladding and screening

vegetation serve to reduce the visual impact of the building from the affected neighbour.

3. A variation to Clause 7.5 (Private Open Space) of the Northern Territory Planning Scheme is supported as the private open space of both Units exceed the minimum area requirements of 45m<sup>2</sup> and are of an adequate size to provide for domestic purposes. Details of screening vegetation along the fence line around the private open space areas will be provided in a landscape plan prior to the endorsement of plans and the commencement of works.

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

**ITEM 2 WITHDRAWN**

**ITEM 3 CHANGE OF USE TO COMMUNITY CENTRE**  
**PA2015/0260 LOT 4862 (4) PEARCE PLACE & LOT 4863 (9) SPRIGG STREET, TOWN OF NIGHTCLIFF**  
**APPLICANT MASTERPLAN NT**

Mrs Linda Henning (Masterplan NT) attended.

**RESOLVED**  
**145/15**

That the Authority grant a reduction to the parking requirements pursuant to Clause 6.5.2 (Reduction in Parking Requirements) of the NT Planning Scheme and, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application for a change of use to a community centre on Lots 4682 (4) Pearce Place and 4683 (9) Sprigg Street, Town of Nightcliff, subject to the following conditions:

**GENERAL CONDITIONS**

1. The works carried out under this permit shall be in accordance with the drawings 2015/0260/01 and 2015/0260/02 endorsed as forming part of this permit.
2. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities to the development shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.
3. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
4. Storage for waste disposal bins is to be provided to the requirements of City of Darwin to the satisfaction of the consent authority.

## NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to Council.
3. The consent authority noted during determination of the application with regard to the parking reduction granted, that the hours of operation will be limited to 9am – 5pm Monday to Friday only.

## REASONS FOR THE DECISION

1. The change of use to a community centre is consistent with the purpose of Zone C which is to provide for a range of business and community uses. The community centre is of a scale and character that is appropriate for the service function of the Rapid Creek Business Village and will not adversely impact adjacent tenancies or adjoining residential areas.
2. A reduction under Clause 6.5.2 – Reduction in Parking Requirements is considered appropriate for the use in consideration of the following matters:
  - the Rapid Creek Business Village provides approximately 56 car parks on site and approximately 87 car parks off-site (the remainder of the Rapid Creek Business Village car park). Considering that the community centre will be operated by a maximum of 7 staff and the majority of its clientele will be dropped off and picked up by mini-bus, it is anticipated that any increase in demand for car parking can be accommodated throughout the subject site;
  - Exiting tenancies within the Rapid Creek Business Village informally share on-site car parking and the addition of a community centre and its associated car parking requirements are not considered to adversely impact this arrangement.
  - The majority of existing tenancies are either restaurants or shops that only require the short-term availability of spaces meaning that the car park is rarely at full capacity. A number of these shops and restaurants have different operating hours to the community centre thus reducing overall car parking demand for the site;
  - A public bus stop is located adjacent the Rapid Creek Business Village along the Trower Road frontage which provides access to regular services to Darwin City and Casuarina shopping centre. The applicant has stated that the community centre's clientele (both carers and direct clients) are likely to utilise this service.

3. All matters in Section 51 of the *Planning Act* have been suitably addressed and the relevant service authorities have raised no objections or concerns that are unable to be addressed by the inclusion of conditions on any development permit issued.

**ACTION:** Notice of Determination

**ITEM 4**                    **CHANGE OF USE FROM WAREHOUSE TO LEISURE AND RECREATION (MARTIAL**  
**PA2015/0278**            **ARTS GYM)**  
                              **UNITS 7189 (TENANCY 8) & 7197 (COMMON PROPERTY)(102) COONAWARRA**  
                              **ROAD, HUNDRED OF BAGOT**  
**APPLICANT**           **GRANT NOLAN**

Mr Grant Nolan and Ms Martha Kelehan attended.

**RESOLVED**            That the Authority grant a reduction to the parking requirements pursuant to  
**146/15**                    Clause 6.5.2 (Reduction in Parking Requirements) of the NT Planning Scheme and  
                              pursuant to section 53(a) of the *Planning Act*, consent to the application for a change  
                              of use from warehouse to leisure and recreation for Unit 7189 (8), 102 Coonawarra  
                              Road, Hundred of Bagot, subject to the following conditions:

#### **GENERAL CONDITIONS**

1. The works carried out under this permit shall be in accordance with the drawings 2015/0278/01 and 2015/0278/02 endorsed as forming part of this permit.
2. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities to the development shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities, gas and telecommunication networks to the development shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.
4. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.

#### **NOTES:**

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

2. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to Council.
3. The consent authority noted during determination of the application with regard to the parking reduction granted, that the hours of operation will be limited from 3pm onwards Monday to Friday, and 5pm onwards Saturday only.

### REASONS FOR THE DECISION

1. The change of use from a warehouse to leisure and recreation (martial arts gym) is not considered incompatible with surrounding land uses and the operating hours are unlikely to have an adverse impact on neighbouring units within the warehouse complex.
2. A reduction under Clause 6.5.2 – (Reduction in Parking Requirements) is considered appropriate for the use in consideration of the following matters:
  - the applicant proposes to conduct classes after 5pm weekdays and 3pm on weekends which is outside normal business trading hours (i.e. 7am to 5pm).
  - It is anticipated that any increase in parking demand during the gym’s operating hours can be informally accommodated within the warehouse complex after 5pm and also via the on-street car parking adjacent the site
  - The applicant has stated in writing that when adjacent tenancies are leased, it will negotiate afterhours access to those unit’s car parks and that its future clients will be advised of the appropriate car parking arrangements upon registration and;
  - the cross utilisation of existing car parking facilities at a time outside of normal business hours may discourage any anti-social behaviour in the immediate vicinity.
3. All matters in Section 51 of the *Planning Act* have been suitably addressed and the relevant service authorities have raised no objections or concerns that are unable to be addressed by the inclusion of conditions on any development permit issued.

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

**ITEM 5**                      **CARPORT ADDITION TO AN EXISTING SINGLE DWELLING WITH REDUCED FRONT AND SIDE SETBACKS**  
**PA2015/0258**                **LOT 2296 (8) MULLEN GARDENS, TOWN OF NIGHTCLIFF**  
**APPLICANT**              **DAVID NILON**

The applicant sent his apologies.

**RESOLVED**                That, the Development Consent Authority vary the requirements of Clause 7.3  
**147/15**                      (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 2296 (8) Mullen Gardens, Town of Nightcliff for the purpose of a carport addition to an existing single dwelling with reduced front and side setbacks, subject to the following conditions:

#### **CONDITION PRECEDENT**

1. Prior to the commencement of works (including site preparation), a schematic plan demonstrating the on-site collection of stormwater and its discharge into the local 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 stormwater drain connection points.

#### **GENERAL CONDITION**

2. The works carried out under this permit shall be in accordance with drawings numbered 2015/0258/01 to 2015/0258/03 inclusive endorsed as forming part of this permit.
3. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to City of Darwin to the satisfaction of the consent authority.

#### **NOTE:**

1. This permit will expire if one of the following circumstances applies:
  - (a) the use is not started within two years of the date of this permit; or
  - (b) the development is not completed within four years of the date of this permit.The consent authority may extend the periods referred to if a request is made in writing before the permit expires.

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

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. The proposed development is consistent with the primary purpose of Zone SD (Single Dwelling Residential), which is "to provide for single dwellings on individual lots". A carport is ancillary to a single dwelling.
2. A variation to the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) for reduced front and side setbacks is supported as:
  - The carport is ancillary to the single dwelling and is unlikely to result in any negative impact on adjacent or nearby properties;
  - The irregular shape of Lot 2296 combined with the position of the dwelling and the location of the driveway limit suitable locations for a carport;
  - Lot 2296 is situated on a significant bend; the verge along the front boundary is quite wide varying from 10-15m, this is expected to limit the potential for any building massing when viewed from the street and adjoining properties;

- The open nature of the proposed carport will not prevent breeze penetration or cause any undue overlooking of the adjoining property; and
- All other setbacks proposed comply with the requirements of Clause 7.3.

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

**ITEM 6** **CABLE LANDING STATION FACILITY WITH ASSOCIATED SINGLE STOREY**  
**PA2015/0286** **BUILDING AND EQUIPMENT SHELTERS**  
**LOT 5229 (10) ATKINS DRIVE, TOWN OF DARWIN**  
**APPLICANT** **NEXTGEN NETWORKS PTY LTD**

Ms Vanda Strange (Vision Stream) attended and tabled a profile of the site

Interested party who attended Katherine from ABC News.

**RESOLVED**  
**148/15**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 5229 (10) Atkins Drive, Town of Darwin for the purpose of a cable landing station facility with associated single storey building and equipment shelters, subject to the following conditions:

**CONDITIONS PRECEDENT**

1. Prior to the endorsement of plans and prior to the commencement of use, 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 must be generally in accordance with the plans submitted with the application but modified to show:
  - a. a detailed site plan illustrating additional screening along the north eastern boundary, including the species to be planted, to ensure an acceptable level of visual amenity is maintained when viewed from Atkins Drive. The applicant must also provide written confirmation from the landowner of Lot 5229 Town of Darwin, authorising the planting of additional landscaping on Lot 5229 as detailed on the site plan.
2. Prior to the commencement of works (including site preparation), the applicant is to prepare a dilapidation report covering infrastructure within the road reserve to the requirements of the City of Darwin, to the satisfaction of the consent authority.
3. Prior to the commencement of works, an Environmental and Construction Management Plan (ECMP) for the management and operation of the use must be prepared to the requirements of an independent suitably qualified professional and submitted to and approved by the consent authority upon the advice of City of Darwin. When approved, the ECMP will be endorsed and will then form part of the permit. The use must at all times be conducted in accordance with the endorsed plan. The ECMP must include:
  - (a) overall environmental objectives for the operation of the use and techniques for their achievement;

- (b) procedures to ensure that no significant adverse environmental impacts occur as a result of the use;
- (c) proposed monitoring systems;
- (d) proposed haulage routes;
- (e) proposed traffic control procedures;
- (f) identification of possible risks of operational failure and response measures to be implemented; and
- (g) day to day management requirements for the use.

**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. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity facilities to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
- 7. The cable landing station and associated equipment shelters shall be finished in a non-reflective colour.
- 8. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to City of Darwin to the satisfaction of the consent authority.
- 9. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.

**NOTE:**

- 1. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

**REASONS FOR THE DECISION**

- 1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. The proposal has been assessed against the requirements of the NT Planning Scheme and complies with the relevant clauses.

2. Pursuant to section 51(n) of the *Planning Act*, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated. Amended plans are required to provide further details of the landscaping proposed to screen the development and lessen the impact of the compound when viewed from Atkins Drive.
3. Pursuant to section 51(h) of the *Planning Act*, the consent authority must take into consideration the merits of the proposed development as demonstrated in the application. The proposed development demonstrates significant merit as it is a component of the deployment of fibre optic cable to improve access and capacity of broadband throughout terrestrial NT and off shore oil and gas fields. Improved broadband access and capacity is of significant public benefit particularly in offshore, remote areas and Darwin.

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

**ITEM 7**                    **10 X 2 BEDROOM MULTIPLE DWELLINGS IN A 6 STOREY BUILDING**  
**PA2015/0059**           **INCLUDING GROUND LEVEL CAR PARKING**  
**LOT 1229 (137) SMITH STREET, TOWN OF DARWIN**  
**APPLICANT**           **NEVILLE JONES**

Mr Neville Jones attended and tabled a Traffic Impact Assessment.

Submitters who sent their apology:- Ms Sally Williamson, Mr Mick Pearson, Ms Kelly Hunter.

Submitters in attendance: Mr Colin Dowton, Ms Allison Phillips, Mr Peet and Mrs Judith Menzies, Ms Kelly Hay (on behalf of submitter Ms Kelly Hunter).

Interested party who attended for part of this item Katherine from ABC News.

**RESOLVED**            That, pursuant to section 53(a) of the *Planning Act*, the Development Consent  
**149/15**                   Authority consent to the application to develop Lot 1229 (137) Smith Street, Town of Darwin for the purpose of 10 x 2 bedroom multiple dwellings in a 6 storey building including ground level car parking, subject to the following conditions:

**CONDITIONS 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 show:
  - (a) the location of a 1m x 1m electricity easement and Fire Hydrant, as approved by the Power and Water Corporation.

2. Prior to the endorsement of plans and prior to commencement of works (including site preparation) a landscape plan to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and must show:
  - (a) the retention of the existing banyan tree adjacent to Mangola Court, or otherwise evidence that the development cannot be appropriately or functionally configured to retain this tree without causing further non-compliances of the requirements of the Planning Scheme;
  - (b) details of surface finishes of pathways and driveways;
  - (c) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
  - (d) landscaping and planting within all open areas of the site;
  - (e) provision of an in ground irrigation system to all landscaped areas.  
All species selected must be 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, and is to include swept paths for waste collection vehicles entering and exiting the site. The report is to be to the approval 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, to the satisfaction of the consent authority. The ECMP is to address waste management, storm water drainage, how construction will be managed on the site, and is to include details of the haulage of excavated and new materials and traffic management for construction vehicles, ensuring that Smith Street is kept clear at all times.
5. Prior to the commencement of works (including site preparation), the applicant is to prepare a dilapidation report covering infrastructure within the road reserve to the requirements of the City of Darwin, to the satisfaction of the consent authority.
6. Prior to the endorsement of plans and prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Darwin stormwater drainage system shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority.
7. Prior to the commencement of works, 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, to the satisfaction of the consent authority.

## GENERAL CONDITIONS

8. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
9. The use and development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
10. 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.
11. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage, 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.
12. 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) surfaced with an all-weather-seal coat;
  - (d) line marked to indicate each car space; and
  - (e) drainedto the satisfaction of the consent authority.  
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
13. The car parking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their visitors.
14. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
15. 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.
16. 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, to the satisfaction of the consent authority.

17. 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.
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. 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.
20. All air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view and from view of neighbouring or nearby developments (or developments reasonably anticipated), 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. The use of angled louvered slats for screening purposes is acceptable, however the slat screening must be designed with a panel to gap ratio, such that the condenser units are not readily visible from any angle.
21. 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.
22. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the relevant service authority, to the satisfaction of the consent authority.
23. 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. This development permit does not grant "building approval" for the proposed structure. The Building Code of Australia requires that certain structures within 900mm of a boundary meets minimum fire resistance level requirements and you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing demolition or construction works.
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

3. 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.
4. 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
5. City of Darwin advises that:
  - (a) a Tree Protection Zone (TPZ) shall be constructed for all existing trees to be retained within the development, in accordance with Australian Standards – AS 4970-2009 Protection of Trees on Development Sites; and
  - (b) in accordance with City of Darwin By-Laws, prior to occupation, the applicant shall ensure that a building number is displayed in a position clearly visible from the street.
6. Any floodlighting or security lighting provided on site should be shielded in a manner to prevent the lighting being noticeable or causing nuisance to neighbouring properties.
7. The Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agencys 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. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from Department of Land Resource Management.
9. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.

### **REASONS FOR THE DECISION**

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

The proposed development of 10 x 2 bedroom multiple dwellings in a 6 storey building including ground level car parking is consistent with the primary purpose of Zone HR (High Density Residential), which is to provide high density housing options close to major roads, schools and



other community facilities. The development is considered to be of a scale, character and architectural style reasonably anticipated on this site given its zone and zoning of surrounding properties.

- A variation to Clause 7.1.1 (Residential Density Limitations) is supported as although the proposal does not meet the numerical requirements of the clause the proposal comprises density at a rate anticipated for the subject land within the HR zone, albeit with two less floors. With regards to reticulated services, Power and Water have stipulated a number of upgrades and other standard requirements the developer needs to undertake but did not express any particular concerns with services. With regards to land capability, the Department of Land Resource Management did not identify any issues of concern with the proposed development. Furthermore, given the site's close proximity to the CBD and that adequate parking and open space has been provided on site, the proposed development is considered to be compatible with community facilities that service the area and is unlikely to place any extra demand on these services.
- A variation to Clause 7.3 (Building Setbacks of Residential Buildings) is supported for the encroachments to the Primary Street Frontage (Smith Street) and Secondary Street Frontage (Mangola Court) as it only applies to a small portion of the built form and is not expected to impact on the streetscape or surrounding development. The main bulk of the building is setback from these boundaries in accordance with the requirements and the granting of a variation will not compromise achievement of the purpose of Clause 7.3 (Building Setbacks of Residential Buildings).
- A variation to Clause 7.3 (Building Setbacks of Residential Buildings) is supported for the side (south west) boundary to allow a 0m setback to the stairwell and lift shafts it is considered that the purpose of the clause is met in the following ways:
  - The site plan shows the proposed building in context with the adjacent buildings on Lot 1267 and Lot 1230. It is evident that the proposed building is of a size and scale that is compatible with the streetscape and surrounding development;
  - The 0m setback is limited to a length of 11.5m and given that the adjacent kitchen walls are set on an angle and the remainder of the building is generously setback from the boundary, any adverse effects of building massing when viewed from adjoining land or the street are considered to be minimised;
  - The stairwell and lift shaft present as a blank wall and therefore completely avoid any undue overlooking of adjoining properties. If the stairwell and lift shaft were located in the core there would most likely be more windows facing the south west boundary which would result in greater opportunity for overlooking; and
  - The site plan shows that there is sufficient distance to allow breeze penetration between buildings. Locating the stairwell and lift shaft on the side of the building also allows each proposed unit to be opened up from front to back and to encourage breeze penetration through the building.

In addition, there are a number of examples in the immediate locality where the DCA has previously approved a stairwell and lift shaft on the boundary - the adjacent development on Lot 1230 has a stairwell located on the boundary with a 0m setback demonstrating that the variation is consistent with previous approvals.

- A variation to Clause 7.3 (Building Setbacks of Residential Buildings) for reduced setbacks to the kitchen blade walls and windows on the side (south west) boundary is supported, as it is believed that a variation of 900mm – 1500mm will not be of detriment to the adjoining development on Lot 1230. The proposed kitchen windows will be 6.3m – 6.9m from the adjacent building on Lot 1230 and the site plan shows that views from the proposed kitchen windows towards the adjacent building will be partly obscured by the stairwell and lift shaft. It is considered that there will be limited opportunity for undue overlooking given not only the way the kitchen blade walls are angled, but also given that the rooms that are affected in the adjacent building are not the main living areas.

Notwithstanding the above, the plans have been amended to show privacy slats that are attached to the window awnings which will all but obscure views from the proposed kitchen windows towards the adjoining building on Lot 1230.

- A variation to Clause 7.3.1 (Additional Setback Requirements for Residential Buildings...) is supported as the non-compliances that exist as a result of the building length are unlikely to be noticeable by surrounding properties and are offset by the generous setbacks provided to the outer rooms (bedroom and ensuite) on each side of the building, which provide a step in the building façade and minimise building massing and bulk which is what the purpose of this clause sets out to achieve.

The intent of the additional setbacks to floors above the 4<sup>th</sup> storey is to provide an evident step in the building to essentially avoid an 8 storey 'box'. Although there are non-compliances, the building does achieve the intent of the clause albeit through a different design strategy. There is an evident step in the building and it exists for all floors rather than just the floors above the 4<sup>th</sup> storey. Although the building is not stepped in for the same distance from all four boundaries (which is what the clause requires for the 5<sup>th</sup> and 6<sup>th</sup> floor in this instance) greater setbacks are provided to some parts of the building where reduced setbacks have been provided to other parts. Overall, it is considered that the design of the building achieves the intent and purpose of the clause albeit through the articulation of the building and varied façades rather than the prescriptive setbacks that the clause requires.

- A variation to Clause 7.6 (Communal Open Space) is supported as the clause identifies a number of matters that the design of the communal open space should consider and the proposed area appears to achieve all of the criteria. It is considered that the reduced width of the communal

open space area does not detract from the requirement to provide a suitable area as per the purpose of the clause.

- A variation to Clause 7.7 (Landscaping for Multiple Dwellings...) is supported as it is considered that the shortfall of 5% or approximately 37.8m<sup>2</sup> does not impact on the site's overall ability to complement and enhance the streetscape; be attractive and pleasant; or contribute to a safe environment. The applicant's desire to create a tropical, resort style feel to the development is expected to compensate for the reduced amount of landscaping. Furthermore, a condition requiring the applicant to submit a detailed landscape plan will ensure that the quality of landscaping compensates for the reduced amount.
2. Pursuant to Section 51(e) of the *Planning Act*, the consent authority must take into consideration any public submissions made under section 49, and any evidence or information received under section 50, in relation to the development application.

21 public submissions were received during the exhibition period under Section 49 of the *Planning Act* with respect to the proposal. 16 of the submissions were a signed petition objecting to the proposal to make the main vehicle entrance to the proposed development from Mangola Court. The remaining 5 submissions included concerns about the effect of the proposal on existing and future amenity of the area, including the impact on adjacent developments.

The access from Mangola Court is supported by the City of Darwin and the developer will be required to undertake a traffic impact assessment which will outline changes that will be required to the surrounding road network and address vehicular, pedestrian, cyclist and public transport issues and opportunities, and is to include swept paths for waste collection vehicles entering and exiting the site.

Amenity concerns have been taken into consideration when assessing the proposal and a number of conditions have been included on the development permit to protect the existing and future amenity of the area.

3. Pursuant to Section 51(j) of the *Planning Act*, the consent authority must take into consideration the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.

The land is zoned HR (High Density Residential) and in accordance with Table D to Clause 7.11 can accommodate a range of development up to 8 storeys in height. The proposed density does exceed the numerical allowance for a six storey building (but is consistent with the allowable density for an 8 storey building) but the land is considered capable of supporting the proposed development. Department of Land Resource Management did not raise any concerns with land capability and Power

and Water advised that the proposed development can be serviced subject to a number of upgrades to existing infrastructure.

4. Pursuant to section 51(m) of the *Planning Act*, the consent authority must take into account the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose.

Conditions Precedent on the development permit require: amended plans to show the location of the electricity easement and fire hydrant as required by Power and Water Corporation; an Environmental and Construction Management Plan (ECMP); a Waste Management Plan; a Schematic Stormwater Plan; a Traffic Impact Assessment (TIA) Report; and a Dilapidation Report. It is anticipated that these measures, combined with standard conditions relating to the connection and upgrade of utility services and the provision and treatment of easements, are expected to ensure that the land is developed in accordance with physical capabilities; address concerns raised by service authorities; and, ensure utility and infrastructure requirements are appropriately addressed.

5. Pursuant to Section 51(n) of the *Planning Act*, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated.

The land is zoned accordingly to accommodate the proposed density of living and the surrounding area has been developed to service this zone. The proposed development is considered to meet the purpose of Zone HR (High Density Residential) and the non-compliances are not considered to further affect the potential impact on the existing or future amenity of the area.

6. Amended plans have been requested to ensure that the location of the required PWC infrastructure does not impact on the proposal's assessment against the NT Planning Scheme.

7. A landscape plan has been requested to ensure a high quality of landscaping is undertaken within the site given that a variation to the numerical requirement has been granted.

**ACTION:** Notice of Determination

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



**DENIS BURKE**  
Chairman

11/6/15

