DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 202 – THURSDAY 6 DECEMBER 2012

BROLGA ROOM
NOVOTEL DARWIN ATRIUM
100 THE ESPLANADE
DARWIN

MEMBERS PRESENT: Peter McQueen (Chairman), David Hibbert, Grant Tambling, Robin Knox and Jeanette Anictomatis

APOLOGIES: Garry Lambert

OFFICERS PRESENT: Margaret Macintyre (Secretary), Hanna Stevenson, Peter Sdraulig, Steven Conn and Michael O’Neill and for part of the meeting Maree Dومelow, Victor Oecker and Kate Rogers (Development Assessment Services)

COUNCIL REPRESENTATIVE: Drosso Lelikis (Session 1 only)

Meeting opened at 9.00 am and closed at 3.30 pm
ITEM 1
PA2012/0832

CHANGES TO THE DEVELOPMENT APPROVED BY DP11/0804 TO INCREASE THE NUMBER OF LOTS FROM 515 TO 522 AND INCLUDE A SETBACK PLAN FOR EACH LOT LOT 10883 LEE POINT ROAD, TOWN OF NIGHTCLIFF

APPLICANT
DEFENCE HOUSING AUSTRALIA

Mr Patrick Atkinson (Defence Housing Australia), Mr Sean Sandford, Mr Paul Perovic, Mr Lee Hussey, Mr Brett Mowbray, Mr Mike Donnelly and Mr James Wallace attended.

RESOLVED
312/12

That, pursuant to section 53(a) of the Planning Act, the Development Consent Authority consent to the application to develop part Lot 10883 Town of Nightcliff for the purpose of subdivision to create 522 lots including a setback plan for each lot, subject to the following conditions:

CONDITIONS PRECEDENT

1. Works (including site preparation works) shall not commence until the permit holder has prepared a Construction Environmental Management Plan (CEMP) to the requirements of the Department of Land Resource Management, to the satisfaction of the consent authority.

The Construction Environmental Management Plan (CEMP) is to address all environmental management matters associated with the construction of the project and is to include, but is not to be limited to, the following:

(a) Erosion & Sediment Control Management Plan
(b) Dust and Noise Management Plan
(c) Relocation measures for wildlife identified during construction works

2. Prior to the commencement of works (including site preparation works), the developer shall submit a haulage program for construction traffic and road condition assessment for affected roads, to the requirements of the Director Technical Services, City of Darwin, to the satisfaction of the consent authority.

GENERAL CONDITIONS

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

4. Prior to the issue of Part V clearance, a 100 metre wide grassland buffer is to be planted along the eastern boundary of the site, as shown on the endorsed plans. The preparation and planting of this grassland buffer is to be to the requirements of the Medical Entomology branch of the Department of Health, to the satisfaction of the consent authority.
5. Prior to the issue of Part V clearance, the landscaping works within the 20 metre wide vegetated buffer to Fitzmaurice Drive shown on the endorsed plans, must be carried out and completed to the satisfaction of the consent authority.

6. The subdivision as shown on the endorsed plans must not be altered without the further consent of the consent authority.

7. The subdivision must proceed in the order of stages as shown on the endorsed plan unless otherwise agreed in writing by the consent authority.

8. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for approval by the Surveyor General.

9. 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 each lot shown on the endorsed plan in accordance with the authorities’ requirements and relevant legislation at the time.

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. All proposed roads and public open space reserves to be created on the plan of subdivision submitted for approval by the Surveyor General must be dedicated to City of Darwin.

12. A financial contribution is to be paid to City of Darwin in accordance with Council’s Lee Point Road Contribution Plan, to the satisfaction of the authority.

13. The inclusion of a design covenant for future development is required in order to comply with the provisions of SD23 of the Northern Territory Planning Scheme. The covenant is to be registered on the title of each lot to enforce compliance with Zone SD23, in particular subclauses 2(d), 2(e), 2(f) and 2(g) to the satisfaction of the consent authority.

14. Any planting or construction activity within any easement or within road reserves adjacent to assets of any public agency or authority shall conform to the requirements of the relevant agency or authority to the satisfaction of the consent authority.

15. Engineering design and specifications of the proposed and affected roads, including street lighting, stormwater drainage, vehicular access, pedestrian/cycle corridors, streetscaping and landscaping of nature strips are to be to the technical requirements of City of Darwin and the satisfaction of the consent authority, and all approved works constructed at the permit holder’s expense.
16. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to City of Darwin or the Department of Lands, Planning and the Environment, as the case may be, to the satisfaction of the consent authority.

17. The developer shall submit an amended hydraulic investigation taking into account the approved subdivision layout to ascertain the performance capacity of the existing Fitzmaurice Drive open channel (including on Sections 6204 and 4224, Hundred of Bagot). This assessment is to assess the Fitzmaurice Drive open channel with respect to discharge from the newly created lots and from the Fitzmaurice Drive catchment. The study shall be carried out in consultation with City of Darwin and the Department of Lands, Planning and the Environment, and be to the satisfaction of the consent authority.

18. The drainage infrastructure located on Sections 6204 and 4224 Hundred of Bagot shall be modified to accommodate any increase in flows (including peak flows) identified in the hydraulic impact assessment required by Condition 18, to the technical standards of and at no cost to the City of Darwin, the Department of Lands, Planning and the Environment or Power and Water Corporation, as the case may be, to the satisfaction of the consent authority.

19. The site must be appropriately engineered, graded and contoured to eliminate the need for any back of lot drainage to the requirements of City of Darwin and/or the Department of Lands, Planning and the Environment, as the case may be, to the satisfaction of the consent authority.

20. 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.

21. Design specifications for Water Sensitive Urban Design (WSUD) structures and stormwater drainage are to be submitted to the Medical Entomology Branch of the Department of Health for assessment so as to ensure the appropriateness of the designs to limit biting insect breeding sites, to the satisfaction of the consent authority.

NOTES:

1. Professional advice regarding the implementation of soil erosion control measures to be employed throughout the construction phase of the development is available from the Department of Land Resource Management.

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 permit holder shall ensure that all necessary permits and approvals are obtained in respect to any archaeological material located within the site.

4. Should the proposed parks be intended to be gifted to City of Darwin at any point in the future, they will require separate Council consideration and approval.

5. The developer should have regard to City of Darwin's Subdivision and Development Guidelines.

6. The permit holder is advised that it is an offence to disturb or destroy prescribed archaeological places without consent under the Heritage Conservation Act. Should any heritage or archaeological material be discovered during the clearing operation, cease operation and please phone Heritage Conservation Services of the Department of Lands, Planning and the Environment.

7. 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.

8. 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.

REASONS FOR THE DECISION

1. The proposed setback plan and changes to the subdivision approved under Development Permit DP11/0804 are consistent with the purpose of Zone SD23, 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. According to the applicant the Ecologically Sustainable Development principles that underpin the strategy for Muirhead attempt to strike a balance between two important factors: breeze and solar orientation.

3. The requirement to register design covenants on each title will ensure future development of the site will comply with the Zone SD23 provisions and is consistent with the Ecologically Sustainable Development principles that underpin the development.
4. The inclusion of a condition precedent requiring a haulage program for construction traffic and road condition assessment for affected roads will ensure no adverse impacts are experienced on the amenity of the wider area.

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

**ITEM 2**
**PA2012/0845**

**40 X 2 BEDROOM MULTIPLE DWELLINGS AND TWO LEVELS OF COMMERCIAL TENANCIES IN A 10 STOREY BUILDING PLUS UNDERGROUND CAR STACKER PARKING**

**LOT 2309 (31) THE MALL, TOWN OF DARWIN**

**APPLICANT**
**SOLAK PTY LTD & BERMUDA GLEN PTY LTD**

Mr George Kapetas (owner & developer), Mr Ross Connolly (MKEA) and Mr Peter Kontziosis attended.

**RESOLVED**
**313/12**

That the Development Consent Authority vary the requirements of clause 6.3.2 (Volumetric Control in Central Darwin) and clause 6.3.3 (Urban Design Requirements in Central Darwin) of the Northern Territory Planning Scheme, and pursuant to section 53(b) of the **Planning Act**, the Development Consent Authority alter the proposed development and consent to the proposed development as altered to develop Lot 2309 (31) The Mall, Town of Darwin for the purpose of 40 x 2 bedroom multiple dwellings and two levels of commercial tenancies in a 10 storey building plus underground car stacker parking, 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 show:

   (a) Ventilation to the lightwells from each unit.

2. Prior to the endorsement of plans and prior to 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 the City of Darwin, to the satisfaction of the consent authority.

3. Prior to the endorsement of plans and prior to commencement of works (including site preparation), the applicant is to prepare a Construction Environmental Management Plan (CEMP), 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 the haulage of excavated and new materials, traffic management for construction vehicles, fencing and hours of work.

*Page 6 of 76*
4. Prior to the endorsement of plans and prior to commencement of works (including site preparation), the applicant is to prepare a landscaping plan, prepared by a suitably qualified professional, is required to be submitted for the podium area. The plan is to include a planting schedule specifying plant species, quantities, and the expected size at maturity for all plants to be provided on site, taking into consideration the available soil depth. The landscaping should act to provide a buffer between the office tenancy and the users of the communal open space area.

GENERAL CONDITIONS

5. Works carried out under this permit shall be in accordance the plans 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, 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.

8. Before the use commences the developer/owner must, in accordance with Part 6 of the Planning Act, pay a monetary contribution to the City of Darwin's Developer Contributions Plan for stormwater drainage works for Darwin Zone B, to the satisfaction of the consent authority.

9. 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.

10. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the City of Darwin, to the satisfaction of the consent authority.

11. The owner shall:
   (a) remove disused vehicle and/or pedestrian crossovers;
   (b) provide footpaths/cycleways;
   (c) collect stormwater and discharge it to the drainage network; and
   (d) undertake reinstatement works;
       all to the technical requirements of, and at no cost to the City of Darwin, and to the satisfaction of the consent authority.

12. Before the use or occupation of the development starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
   (a) constructed;
   (b) properly formed to such levels that they can be used in accordance with the plans;
(c) surfaced with an all-weather-seal coat; 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.

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. Soil erosion and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

15. Before the use/ occupation of the development starts, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.

16. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.

17. 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.

18. All balconies are to be internally drained and discharge is to be disposed of at ground level and in a manner consistent with stormwater disposal arrangements for the site to the satisfaction of the consent authority.

19. 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 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, 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.
3. 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.

4. 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.

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

6. Approval must be submitted to the Department of Defence for any cranes used during construction that infringe on either the Obstacle Limitation Surfaces (OLS) or Procedures for Air Navigation – Operations (PAN-OPS) surfaces for Darwin Airport.

7. 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.

REASONS FOR THE DECISION

1. The proposal is consistent with the primary purpose of Zone CB (Central Business), which is, “to provide for a diversity of activities including administrative, judicial, professional, office, entertainment, cultural, residential and retail and other business activities, with a commitment to the separation of incompatible activities”.

2. A variation to clause 6.3.2 (Volumetric Control in Central Darwin) of the Planning Scheme is supported as the 3m setbacks to the side boundaries, and for the balconies facing the front and rear boundaries are a direct result of the narrowness of the site, while still acknowledging the purpose of the clause, thereby ensuring that the siting and mass of the building promotes a built form that maximises the potential for view corridors to Darwin harbour, allows for the penetration of daylight and the circulation of breezes between buildings and does not result in any privacy impacts for residents of adjoining properties. The increased level of articulation and openness to the subject development is also acknowledged, and the high level of breeze penetration afforded to the landscaped space on the podium level, which separates the two towers by a minimum of 15m for all levels above. A variation to this clause was granted for the two previous approvals over the site, both of which were of a greater scale than the subject development.

3. A variation to clause 6.3.3 (Urban Design Requirements in Central Darwin) of the Planning Scheme is supported as the level of active interface presented to both frontages is as high as is practicable. The only inactive elements are the fire exit to The Mall and the fire exit, vehicular
gress/ egress and the fire booster connection point to the West Lane frontage, all of which are permitted by subclause 3(f) of clause 6.3.3. Removal of these services from the calculation would result in a 100% active interface for both street level frontages. Importantly, the development focuses the commercial tenancies on the dominant, Smith Street Mall, frontage, but with a fairly wide and open pedestrian thoroughfare linking The Mall and West Lane, does not ignore the rear of the site. The commercial tenancies inside the site will act to draw pedestrians through the site and further improve activity levels to both streets, in line with the purpose of clause 6.3.3, for buildings to present “exemplary urban design” fit for the site and its central location.

4. The City of Darwin requires a stormwater drainage plan to confirm that it is technically feasible to collect stormwater on the site and dispose of it into its stormwater drainage system, and that stormwater will not sheet-flow into the road reserve or onto adjoining properties.

5. Provision of a detailed landscaping plan from a suitably qualified professional will ensure that appropriate species will be provided to this space and that the area will be of amenity value to residents, with sufficiently tall trees to be included on the open space areas on the podium level. Proper landscaping will also act to reduce any potential amenity conflict between the office tenancy and the users of the communal open space area.

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

**ITEM 3**

PA2012/0835

221 x 1 AND 104 x 2 BEDROOM MULTIPLE DWELLINGS, OFFICES, RESTAURANTS AND SHOPS IN A 17 STOREY BUILDING COMPRISING 2 TOWERS PLUS 2 LEVELS OF BASEMENT/ UNDERCROFT CAR PARKING AND LOADING BAYS, AND CAR PARKING AT LEVELS 1, 2 & 3, IN 3 STAGES LOT 1666 (33) DALY STREET, TOWN OF DARWIN

**APPLICANT**

VILLIS GROUP SERVICES

DAS tabled an addendum – amended plans and additional information from the applicant and revised comments from City of Darwin.

Mr Peter Villis (Villis Group Services) attended and tabled further information including amended plans

Submitter:- Ms Laurie Palffy attended:

**RESOLVED**

314/12

That, pursuant to section 46(4)(b) of the Planning Act, the Development Consent Authority defer consideration of the application to develop Lot 1666 (33) Daly Street, Town of Darwin for the purpose of 221 x 1 and 104 x 2 bedroom multiple dwellings, offices/ restaurants/ shops in a 17 storey building comprising 2 towers plus 2 levels basement/ undercroft car parking & loading bays, and car parking at levels 1, 2 & 3, in 3 stages, to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

Page 10 of 76

These minutes record persons in attendance at the meeting and the resolutions of the Development Consent Authority on applications before it. Reliance on these minutes should be limited to exclude uses of an evidentiary nature.
1. Written confirmation that any amended plans are satisfactory to the City of Darwin in respect to any building elements (other than street level awnings) within/over its land.

2. Written confirmation from City of Darwin in respect to any amended plans which delete the median strip opening in Daly Street and the drive through bottle shop access, or written confirmation from City of Darwin that these accesses are satisfactory. Any amended plans submitted will require a revised Traffic and Parking report in response to the revised access arrangements and impacts on the surrounding road network to the requirements of City of Darwin and the Road Network Division of the Department of Transport.

3. Written confirmation from a qualified Traffic Engineer that all car parking spaces and vehicle accessways comply with the minimum requirements of Australian Standard AS/NZS 2890.1:2004, in instances of non compliance with the minimum requirements of Clause 6.5.3 (Parking Layout) of the NT Planning Scheme. The statement is to be based on the most recent car parking layout plan at the time of consideration of the application.

4. Details relating to the use and management arrangements in respect to:
   - Public access to the podium area including, but not necessarily limited to, what areas would be available to the public, whether public access would be on a commercial basis, and how the public and private communal open space areas are to be managed, including details on car parking availability for the public use of the podium area; and
   - How the mall/publicly accessible open space is intended to provide public accessibility and how it achieves the intent of Part 3(b) of Clause 6.3.1 (Building Heights in Central Darwin) of the NT Planning Scheme.

5. Amended plans which show the provision of all services required by the agencies responsible for power and water, the agency responsible for fire and rescue services, and the City of Darwin, and with consideration to minimising their impact on active street frontages.

**REASONS FOR THE DECISION**

1. The City of Darwin have advised of strong objections to the application in respect to:
   - building elements (apart from street level awnings) within Council road reserve for which there is neither authorisation (as land owner) to the application being made or approval for the structures;
   - proposed vehicle access to the site via an opening in the Daly Street median strip and in respect to the drive through bottle shop; and
   - there has been insufficient time to fully access the traffic study.

2. Any amended plans have the potential to affect traffic movements from that initially intended and assessed by the traffic report. Amended plans
may impact on the floor layouts and overall car parking requirements, and impact on the overall design of the building.

3. The additional information is required in order to enable a full assessment of the proposal in order to properly consider the application.

**ACTION:** Advice to Applicant

**ITEM 4**

**PA2012/0817**

**ADDITION OF 68 HOTEL SUITES IN A 5 STOREY BUILDING INCLUDING GROUND LEVEL CAR PARKING TO AN EXISTING HOTEL**

**LOT 5705 (3) BUFFALO COURT, TOWN OF DARWIN**

**APPLICANT**

JUNE D'ROZARIO & ASSOCIATES PTY LTD

Ms June D'Rozario (June D'Rozario & Associates) attended.

**RESOLVED**

**315/12**

That, the Development Consent Authority vary the requirements of Clauses 6.3.3 (Urban Design Requirements in Central Darwin) and 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application to develop Lot 5705 (3) Buffalo Court, Town of Darwin for the addition of 60 hotel suites in a 5 storey building including ground level parking to an existing hotel, 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:

   (b) Any changes resulting from discussions with Power and Water Corporation regarding the sewerage easement encroachment;

   (c) The location of any service infrastructure installations and associated screening, as determined through Condition 2;

   (d) A survey (including botanical names) of all existing vegetation to be retained or removed, with a view to maximising the retention of existing mature vegetation;

   (e) The layout of the landscaping proposed; and

   (f) 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. All species selected must be 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 confirmation from the relevant service authorities that the locations for any required electricity substations, water meters or fire booster assemblies have been discussed and are satisfactory, to the satisfaction of the consent authority. All related
infrastructure is to be screened from view so as to not detract from the presentation of the building or the streetscape, with such screening to be to the satisfaction of the consent authority.

3. Prior to the endorsement of plans and prior to the commencement of works, the applicant is to submit written confirmation from Power and Water Corporation that issues of the sewerage easement encroachment and the relocation of the existing water main within Lot 5705 Town of Darwin have been resolved.

4. Prior to the endorsement of plans and prior to the commencement of works, a Traffic Impact Assessment is to be submitted in accordance with the Austroads document "Guide to Traffic Management Part 12: Traffic Impacts of Developments", in a format consistent with Appendix C of the guide. The assessment is to be carried out to the requirements of the City of Darwin and to the satisfaction of the consent authority.

5. 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’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.

6. Prior to the endorsement of plans and prior to the commencement of works, a waste management plan addressing 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.

GENERAL CONDITIONS

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

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 and telecommunication networks to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

9. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.

10. Storage for waste disposal bins is to be provided to the requirements of City of Darwin, to the satisfaction of the consent authority.

11. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
12. Before the occupation of the development starts, the areas set-aside for the
parking of vehicles and access lanes as shown on the endorsed plans must be:
(a) constructed;
(b) properly formed to such levels that they can be used in accordance with the
plans;
(c) surfaced with an all-weather-seal coat;
(d) drained;
(e) line marked to indicate each car space and all access lanes; and
(f) clearly marked to show the direction of traffic along access lanes and
driveways;
to the satisfaction of the consent authority. Car spaces, access lanes and
driveways must be kept available for these purposes at all times.

13. The 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.

14. 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.

15. Before the use of the development starts the landscaping works shown on the
endorsed plans must be carried out and completed to the satisfaction of the
consent authority.

16. The landscaping shown on the endorsed plans must be maintained to the
satisfaction of the consent authority, including that any dead, diseased or
damaged plants are to be replaced.

17. 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.

18. 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.

19. 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.

20. No polluted and/or sediment laden run-off is to be discharged directly or
indirectly into the City of Darwin's drains or to any watercourse.

21. 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 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 developer will need to contact Power and Water Corporation's Services Development area to discuss water supply and sewerage requirements and the level of contribution the development will attract. The development would result in significant additional load being added to the Palmerston Park sewerage pump station. The developer will be required to contribute to pump station and rising main improvements.

3. The Power and Water Corporation advises that full site fire coverage cannot be achieved from existing hydrants and internal fire fighting arrangements should be made to the satisfaction of the NT Fire and Rescue Service.

4. 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.

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. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the Building Code of Australia, the NT Public and Environmental Health Act and relevant standards and guidelines.

7. A "Permit to Work Within a Road Reserve" may be required from the City of Darwin before commencement of any work within the road reserve.

8. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to Council.

9. City of Darwin consent is required for the removal of any vegetation within the road reserve.

10. The Department of Lands, Planning and the Environment (Transport Planning, Policy and Reform) recommends that the design of the bicycle storage area consider the Austroads Cycling Aspects of Austroads Guides.
11. 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.

12. 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.

**REASONS FOR THE DECISION**

1. The proposal is consistent with the primary purpose of Zone CB (Central Business), being to provide for a diversity of activities including administrative, judicial, professional, office, entertainment, cultural, residential, retail and other business activities, with a commitment to the separation of incompatible activities.

2. A variation to the active frontage requirement of Clause 6.3.3 is acceptable given the specific nature of the application, being the addition of a building at the northern end of a relatively large and irregular site at the north-western limit of Darwin's CB (Central Business) zone. Compliance with the active frontage requirement would be impractical as the building's location within the site and the relatively large road verge would result in any 'active' treatment at ground level being quite isolated and therefore of little value in terms of activating McMinn Street and Gardens Road. Any meaningful activity generating development would also necessitate the removal of existing mature vegetation within the road reserve to open the building up to the street, and it is arguable that any amenity gained through active treatments would be disproportionate to that lost by removal of the vegetation.

The non-compliance in regard to awnings along the site frontage is acceptable as it is considered to be a product of the building's isolated location. It would be impractical for the building to include an awning for the extent of its frontage as it would not serve a purpose for guests of the hotel and would be of little value for pedestrians as it would not link to any other sheltered walkways.

In regard to the non-compliance associated with locating the car park at ground level, in the context of the site and the impracticalities associated with activating the street frontage, this is considered to be an acceptable outcome. The screen fencing proposed along the car park frontage, landscaping within the reduced setbacks, existing mature vegetation within the road reserve and the relatively large verge would minimise any adverse visual impact of the car park.

3. A variation to the setback requirement of Clause 6.5.3 (Parking Layout) is acceptable as the design of the car parking area responds well to the constraints of the site and is therefore consistent with the purpose of the clause. The screen fencing proposed along the car park frontage,
landscaping within the reduced setbacks, existing mature vegetation within the road reserve and the relatively large verge would minimise any adverse visual impact that may result from the reduced setback.

4. As the authority responsible for the management of the local road network, the City of Darwin has requested a Traffic Impact Assessment to assess the potential traffic impacts of the development, with particular attention to vehicular, pedestrian, cyclist and public transport issues and opportunities. The Traffic Impact Assessment shall also address the interaction of the existing driveway access to McMinn Street and the sight lines for vehicles entering/exiting the undercover car parking area, as well as traffic accessing the bottle shop and other on-site facilities.

5. Details of the landscaping proposed are required to ensure that the car park structure and any service infrastructure installations will be appropriately screened from view. The existing mature vegetation within the road reserve cannot be relied upon as it is under the care and control of the City of Darwin, not the owner of Lot 5705 Town of Darwin.

6. 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 has requested details of the collection and discharge of stormwater run-off and waste storage and removal.

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

**ITEM 5**

59 MOTEL SUITES (INCLUDING 42 DUAL-KEY) IN A 10 STOREY BUILDING PLUS

3 LEVELS OF BASEMENT CAR PARKING

LOT 1382 (13) SHEPHERD STREET, TOWN OF DARWIN

**APPLICANT**

BELL GABBERT ASSOCIATES PTY LTD

DAS tabled revised comments from City of Darwin.

Mr Mark Bell (Bell Gabbert Associates) attended.

Submitter:- Bronwyn Russell (Engineers Australia – Northern Division) attended.

**RESOLVED**

316/12

That, the Development Consent Authority vary the requirements of Clauses 6.3.3 (Urban Design Requirements in Central Darwin) and 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme, and pursuant to section 53(b) of the Planning Act, the Development Consent Authority alter the proposed development and consent to the proposed development as altered to develop Lot 1312 (13) Shepherd Street, Town of Darwin for the addition of 59 motel suites (including 42 dual-key) in a 10 storey building plus 3 levels of basement parking, subject to the following conditions:
CONDITIONS PRECEDENT

1. Prior to endorsement of plans and prior to the commencement of works (including site preparation), written advice from City of Darwin is required confirming that the Traffic Impact Report prepared by i3 consultants WA dated 26/11/2012, is to the requirements of Council, to the satisfaction of the consent authority.

2. 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) Further treatment of the building frontage, with a view to minimising the development’s impact on the Shepherd Street streetscape and promoting the driveway and porte-cochere areas as a shared and active space which encourages pedestrian movement;

   (b) Finishes and/or materials of the side walls with the view to reduce visual bulk;

   and

   (c) Designation of car bay No. 48 for the parking of small cars only.

3. 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’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 endorsement of plans and prior to the commencement of works, a waste management plan addressing 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.

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. Before the use commences the owner must, in accordance with Part 6 of the Planning Act, pay a monetary contribution to the City of Darwin for the upgrade of local stormwater infrastructure, in accordance with its Stormwater Contribution Plan.

9. Before the use commences the owner must, in accordance with Section 70(5) of the Planning Act, pay a monetary contribution to the City of Darwin for any on-street car parking bays on Bennett Street lost as a result of the development. The contribution is to be calculated in accordance with the requirements of Section 70(6) of the Planning Act.

10. Storage for waste disposal bins is to be provided to the requirements of City of Darwin, to the satisfaction of the consent authority.

11. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.

12. Before the occupation of the development starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
   (a) constructed;
   (b) properly formed to such levels that they can be used in accordance with the plans;
   (c) surfaced with an all-weather-seal coat;
   (d) drained;
   (e) line marked to indicate each car space and all access lanes; and
   (f) clearly marked to show the direction of traffic along access lanes and driveways;
   to the satisfaction of the consent authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.

13. The 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.

14. 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.

15. 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.

16. Before the use of the development starts the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
17. 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.

18. All substation, fire booster and water meter arrangements are to be appropriately screened to soften the visual impact of such infrastructure on the streetscape, to ensure that the infrastructure is sympathetic to and blends in with the design of the building. Details will need to be resolved to the satisfaction of the consent authority in consultation with the Power and Water Corporation, and NT Fire and Emergency Services.

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. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building(s).

21. 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.

22. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into the City of Darwin's drains or to any watercourse.

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. 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. Should the development be unit titled, each dual key two-bedroom serviced apartment will be required to remain under a single unit title.

3. The developer will be required to contribute towards the upgrade of the local water reticulation infrastructure and will need to contact Power and Water Corporation for the contribution amount.

4. 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.
5. 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.

6. 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.

7. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the Building Code of Australia, the NT Public Health Act and Regulations, the NT Food Act and National Food Safety Standards.

8. A "Permit to Work Within a Road Reserve" may be required from the City of Darwin before commencement of any work within the road reserve.

9. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to Council.

10. Notwithstanding the approved plans, the demonstrated awning in City of Darwin's road reserve is subject to Council approval at no cost to Council.

11. 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.

12. 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.

13. You are advised that Lot 1384 Town of Darwin (17 Shepherd Street, Darwin City) is a declared heritage place under the Heritage Act and due care should be exercised during the construction phase of the development.

REASONS FOR THE DECISION

1. The proposal is consistent with the primary purpose of zone cb (central business), being to provide for a diversity of activities including administrative, judicial, professional, office, entertainment, cultural, residential, retail and other business activities, with a commitment to the separation of incompatible activities.

2. A variation to Clause 6.5.3 (Parking Layout) relating to encroachments into certain car parking bays is acceptable given the bays in question would continue to comply with Australian Standards relevant to off-street
car parking for a motel use, and are therefore appropriately designed and consistent with the purpose of this clause.

3. A variation to Clause 6.5.3 (Parking Layout) in relation to the provision of two crossover points to the site is acceptable given the findings of the Traffic Impact Assessment for the development, which concluded that the provision of one access point would likely have adverse impacts in terms of the functionality and safety of Shepherd Street, the availability of on-street parking, the feasibility of waste collection and access to the site for persons with a disability.

4. A variation to Clause 6.5.3 (Parking Layout) in relation to driveway dimensions is acceptable given the findings of the Traffic Impact Assessment for the development, which identified no issues in terms of providing for single manoeuvre entry and exit within the basement car parking levels.

5. A variation to the requirements of Clause 6.3.3 (Urban Design Requirements in Central Darwin) is acceptable on the condition that amended plans be submitted demonstrating further treatment of the building frontage to promote the driveways and porte-cochere as a shared space and soften the development’s presentation to the street. The limited active frontage of the site is linked to the practical requirement of having a porte-cochere arrangement, as well as the relatively small size and frontage of the site and the requirement for some building services to be located at the front of the property. The lobby and reception area, although setback from the front boundary, would be a legitimate active component of the development’s frontage, and further treatment to other aspects of the site frontage is required to complement this feature in order to address the purpose of Clause 6.3.3.

6. As the authority responsible for the management of the local road network, City of Darwin has requested a Traffic Impact Assessment to assess the potential traffic impacts of the development.

7. 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 has requested details of the collection and discharge of stormwater run-off and waste storage and removal.

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

That the Development Consent Authority vary the requirements of clause 7.10.3 (Caretaker’s Residence) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application to develop Lot 9240 (348) Bagot Road, Town of Nightcliff for the purpose of a shop/restaurant, showroom sales, offices, leisure and recreation (gymnasium) and a caretaker’s residence in a two storey building with ground level carparking, to be completed in two stages, subject to the following conditions:

CONDITIONS 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 to be collected on the site and discharged into the local underground stormwater system, to the standards and approval of the Department of Transport’s Road Networks Division and/or the 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 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.

3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to obtain confirmation that all works to Fitzgerald Street, including crossovers and driveways to Lot 9240, and works affecting the slip lane, are to the standards and requirements of the City of Darwin, to the satisfaction of the consent authority.

4. 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

5. Works carried out under this permit shall be in accordance the plans endorsed as forming part of this permit.
6. All noise attenuation works deemed necessary for the caretaker's residence to comply with Australian Standard AS 3671 'Road traffic noise intrusion – Building siting and design' are to be completed prior to issue of an Occupancy Permit under the Building Act.

7. All works recommended by the Traffic Impact Assessment report are to be completed to the requirements of the City of Darwin, to the satisfaction of the consent authority.

8. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.

9. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage 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.

10. 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.

11. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the City of Darwin and/ or the Road Networks Division, to the satisfaction of the consent authority.

12. The owner shall:
   (a) remove disused vehicle and/ or pedestrian crossovers;
   (b) provide footpaths/ cycleways;
   (c) collect stormwater and discharge it to the drainage network; and
   (d) undertake reinstatement works;
   all to the technical requirements of, and at no cost to the City of Darwin, and to the satisfaction of the consent authority.

13. Before the use or occupation of the development starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
   (a) constructed;
   (b) properly formed to such levels that they can be used in accordance with the plans;
   (c) surfaced with an all-weather-seal coat; 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.

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. Soil erosion and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

16. 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.

17. 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.

18. 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.

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. 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 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 the City of Darwin.

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. The finish of any Prime Identification sign, if erected, shall be such that, if illuminated, day and night readability is the same and is of constant display (i.e. not flashing or variable message). The sign shall be positioned so as not to create sun or headlight reflection to motorists, and be located entirely (including foundations and aerially) within the subject lot.
5. All proposed works within, or impacting upon, the Bagot Road road reserve shall be in accordance with the standards and specifications of the Department of Transport.

6. It is advised that any works within the Bagot Road road reserve will require a 'Permit to work within a road reserve' from the Department of Infrastructure.

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

8. In the event that food is provided for customers, the business must be registered with the Department of Health and Families’ Environmental Health Greater Darwin Region 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.

9. The design and construction of the 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.

10. Detailed plans must be submitted to the Department of Health and Families’ Environmental Health Greater Darwin Region via a building certifier for approval prior to the construction of building works. Following approval the premises is required to be registered as a Food Business with the Department of Health and Families’ Environmental Health Greater Darwin Region prior to the use being undertaken.

11. 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.

**REASONS FOR THE DECISION**

1. The proposal is consistent with the primary purpose of Zone C (Commercial), which is, “to provide for a range of business and community uses”, and is of a 'scale and character appropriate to the service function of the centre, respects the amenity of adjacent and nearby uses, and promotes community safety in building design, having regard to adjacent and nearby uses', as also given by clause 5.8 (Zone C – Commercial) of the Northern Territory Planning Scheme.

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 the stormwater drainage system, and to ensure that no stormwater will sheet-flow into the road reserve or onto adjoining properties.

Developments', is required in order to demonstrate that the development can be supported without undue impact on the site and locality.

4. The development proposes changes to the Fitzgerald Street road reserve through modification of the existing slip lane and vehicular access to Lot 9240. Such works will need to be undertaken to the requirements of the City of Darwin, and be to the satisfaction of the consent authority. This, coupled with the traffic impact assessment report, should ensure that the site and surrounding road network can ably accommodate the development.

5. 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.

6. A variation to clause 7.10.3 (Caretaker's Residence) of the Northern Territory Planning Scheme is supported the provision of a caretaker's residence with a floor area of 152m² is seen as appropriate in the context of the significant commercial uses proposed for the site and its clearly secondary or ancillary nature. The closest lot to the caretaker's residence is zoned PS (Public Open Space) and will have significantly improved levels of passive surveillance resulting from the residence's introduction. The use accords with the definition given in clause 3.0 (Definitions) of the Planning Scheme in that it is a “dwelling which is ancillary to the lawful use of the land on which it is erected, and which is used by the caretaker of the land”, the special circumstances surrounding its location pointing towards justification for a floor area beyond that normally permitted through subclause 2(a).

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. Appropriate responses to the matters raised, as reflected by the conditions and notes given on the development permit, will ensure an appropriate level of service is maintained for the site and surrounding locality.

8. 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. Subsequently, noise attenuation, to the standards given in Australian AS 3671 ‘Road traffic noise intrusion – Building siting and design’ is to be undertaken to ensure an appropriate level of amenity to the occupants of the caretaker’s residence, noting its proximity to Bagot Road.

ACTION: Notice of Consent and Development Permit
SUBDIVISION TO CREATE 6 LOTS
LOTS 7628, 7276 & 7278 (6), (8) & (2) HARVEY STREET, TOWN OF DARWIN
APPLICANT BELL GABBERT ASSOCIATES

Mr Mark Bell (Bell Gabbert Associates) attended.

RESOLVED
318/12
That, pursuant to section 53(a) of the Planning Act, the Development Consent Authority consent to the application to develop Lots 7278, 7628 & 7278 (2, 6 & 8) Harvey Street, Town of Darwin for the purpose of subdivision to create 6 lots, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to endorsement of plans and prior to commencement of works (including site preparation) the owner of the land is to prepare engineering design and specifications of the proposed and affected roads, including street lighting, stormwater drainage, vehicle access, pedestrian/cycle corridors, and streetscaping, to the requirements of City of Darwin and/or Department of Transport and/or Land Administration of the Department of Lands, Planning and the Environment as the case may be, to the satisfaction of the consent authority.

GENERAL CONDITIONS

2. Works carried out under this permit shall be in accordance with the plans endorsed as forming part of this permit.

3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities, and telecommunication networks to each lot shown on the endorsed plan in accordance with the authorities’ requirements and relevant legislation at the time.

4. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for approval by the Surveyor General.

5. All proposed roads to be created on the plans of subdivision must be submitted for approval by the Surveyor General and must be dedicated to the Northern Territory or local government authority.

6. Pursuant to Part 6 of the Planning Act, ‘Developer Contributions’, a monetary contribution shall be paid to City of Darwin in accordance with Council’s ‘Developer Contribution Plans for Stormwater Drainage Works’

7. Stormwater is to be collected and discharged in the drainage network to the technical standards of and at no cost to the City of Darwin and/or Department of Transport and/or Land Administration of the Department of Lands, Planning and the Environment as the case may be, to the satisfaction of the consent authority.

Page 28 of 76
8. Material brought to the site for use as fill is to be clean (virgin excavated natural material). If any inert fill is used, it must be adequately assessed as being suitable for the intended use of the land.

9. 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) 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. Power and Water Corporation advise that the developer will be required to provide a looped DN225 water main into the proposed development along the proposed public road with service connection supplying all proposed lots. The existing DN100 cannot provide the necessary fire fighting flows to the development and will need to be replaced along Harvey Street from the existing DN150.

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. All new roads are required to be named under the Place Names Act. You should immediately make application to the Place Names Committee to commence the road naming process. Contact the Place Names Unit on 8995 5333 or placenames.dpi@nt.gov.au. Further information can be found at http://www.placenames.nt.gov.au.

REASONS FOR THE DECISION

1. The proposed subdivision is consistent with the purpose of Zone CB (Central Business) which is to ‘to provide for a diversity of activities including administrative, judicial, professional, office, entertainment, cultural, residential and retail and other business activities with a commitment to the separation of incompatible activities’.

2. The requirements for engineering design and specifications prior to endorsement of plans and commencement of works is in recognition of the site having been excavated and of a lower level than surrounding land and roads, and that the proposed lots may be of a significantly lower level that the proposed road which may require specific engineering design.

ACTION: Notice of Consent and Development Permit
ITEM 8
PA2012/0783
APPLICANT

43 X 2 AND 8 X 3 BEDROOM MULTIPLE DWELLINGS IN 12 X 1 AND 14 X 2 STOREY BUILDINGS
SECTION 5602 (55) BOULTER ROAD, HUNDRED OF BAGOT
ELTON CONSULTING

Pursuant to section 97 of the Planning Act, Mrs Jeanette Anictomatis, a member of the Development Consent Authority declared an interest and absented herself from the meeting for the deliberation of this item.

Mr Martin Klopper and Mr Luke Jackson (Elton Consulting) attended.

Mr Klopper tabled two plans showing possible connectivity of the site

RESOLVED
319/12

That, pursuant to section 46(4)(b) of the Planning Act, the Development Consent Authority defer consideration of the application to develop Section 5602 (55) Boulter Road, Hundred of Bagot for the purpose of 43 x 2 and 8 x 3 bedroom multiple dwellings in 12 x 1 & 14 x 2 storey buildings, to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

1. Amended plans or details which demonstrates the site’s contribution to a future connected street network within the Berrimah North Area in accordance with the requirements of:

   Part 3(a) of Clause 14.1.2 (Berrimah North Planning Principles) of the NT Planning Scheme which requires ‘a robust and legible shared use street grid which connects with the adjacent street network, pedestrian and cycle routes’; and

   The Berrimah North Area Plan which clearly indicates an east-west road link connecting the 2 north-south roads.

   Any amended plan/ details should have regard to the road reservations approved as part of the development permits issued for Section 5875 (81) Boulter Road, Hundred of Bagot and Section 5694 (41) Boulter Road, Hundred of Bagot.

2. An amended Statement of Effects which identifies and discusses:

   reduced front setback for dwellings 1/2;
   reduced side setbacks for dwellings 15/17, 19/21, 25/26 & 27/28; and
   reduced side setback for dwelling 29;

   in respect to additional setbacks required by Clause 7.3.1 for residential buildings greater than 18m in length, and explains how the proposal achieves the purpose of Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme.

3. Any amendments to the proposal to enable compliance with Clause 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme, specifically in respect to provision of tandem bays which do not allow separate access to all parking spaces, and noting that the NT Planning Scheme requires the
demonstration of special circumstances for a development that does not meet the standards set out in Parts 4 or 5 of the Scheme.

REASONS FOR THE DECISION

1. Additional information is required to ensure the proposal is generally consistent with, and contributes to, the achievement of the outcomes sought by Clause 14.1.2 (Berrimah North Planning Principles) of the NT Planning Scheme.

2. The request for additional information in respect to the proposal's non compliance with Clause 7.3 (Building Setbacks of Residential Buildings) is necessary as, pursuant to Clause 2.5 (Exercise of Discretion by the Consent Authority), consent can only be given if the consent authority is satisfied that special circumstances justify the giving of consent.

3. A redesign of the proposal or the demonstration of special circumstances is considered necessary as it cannot currently be determined how the proposal achieves the purpose of Clause 6.5.3 (Parking Layout) of the NT Planning Scheme which is to 'ensure that a car parking area is appropriately designed, constructed and maintained for its intended purpose.

ACTION: Advice to Applicant

ITEM 9  VEHICLE SALES AND HIRE AND MOTOR REPAIR STATION
PA2012/0825 LOT 8012 (43) STUART HIGHWAY, TOWN OF DARWIN
APPLICANT BELL GABBERT ASSOCIATES

Pursuant to section 97 of the Planning Act, Mr Peter McQueen, Chairman of the Development Consent Authority declared an interest and absented himself from the meeting for the deliberation of this item.

Mr Wayne Gabbert (Bell Gabbert Associates) attended and tabled an internal traffic management procedure.

RESOLVED 320/12 That, pursuant to section 53(a) of the Planning Act, the Development Consent Authority consent to the application to develop Lot 8012 (43) Stuart Highway, Town of Darwin for the purpose of vehicle sales and hire and a motor repair station, subject to the following conditions:

CONDITION PRECEDENT

1. 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.

2. Prior to the commencement of works (including site preparation) a 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 Department of Transport's Road Networks Division and/or 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. 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 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. 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 and/or the Road Networks Division, to the satisfaction of the consent authority.

7. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the City of Darwin and/or the Road Networks Division, to the satisfaction of the consent authority.

8. The owner shall:
   (a) remove disused vehicle and/or pedestrian crossovers;
   (b) provide footpaths/cycleways;
   (c) collect stormwater and discharge it to the drainage network; and
   (d) undertake reinstatement works;
   all to the technical requirements of, and at no cost to, the City of Darwin and/or the Road Networks Division, and to the satisfaction of the consent authority.

9. Before the use or occupation of the development starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
   (a) constructed;
   (b) properly formed to such levels that they can be used in accordance with the plans;
   (c) surfaced with an all-weather-seal coat; 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.

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.

Page 32 of 76
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. 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.

14. 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.

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.

NOTES:

1. The Power and Water Corporation advises that:
   • The current local infrastructure cannot sustain the necessary fire fighting flows for the development and as a result the developer will be required to contribute towards the upgrade of the local water reticulation infrastructure. The applicant/developer should contact Power and Water Corporation’s Services Development Technical officers prior to the commencement of works to discuss water supply and contribution requirements.
   • 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 the City of Darwin.

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. It is advised that, notwithstanding the approved plans, any proposed awnings, footpaths and landscaping works within the Stuart Highway road reserve are subject to approval from the Road Networks Division, and shall be undertaken at no cost to the Department.
5. The finish of any Prime Identification sign, if erected, shall be such that, if illuminated, day and night readability is the same and is of constant display (i.e. not flashing or variable message). The sign shall be positioned so as not to create sun or headlight reflection to motorists, and be located entirely (including foundations and aerially) within the subject lot.

6. All proposed works within, or impacting upon, the Stuart Highway road reserve are to be designed, supervised and certified on completion by a practising and registered Civil Engineer in accordance with the standards and specifications of the Department of Transport.

7. It is advised that any works within the Stuart Highway road reserve will require a ‘Permit to work within a road reserve’ from the Manager Road Operations, Road Projects Division, Department of Infrastructure.

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

9. 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.

10. 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.

11. 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.

REASONS FOR THE DECISION

1. The development does not impinge on the primary purpose of Zone SC (Service Commercial), being to “provide for commercial activities which, because of their business or size of the population catchment, require large sites”.

2. 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.

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 stormwater drainage system, and to ensure that no stormwater will sheet-flow into the road reserve or onto adjoining properties.

Page 34 of 76
4. A variation to subclause 3(g) of clause 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme is supported as the development provides an appropriate response to the site and ensures that all spaces can be accessed with reasonable ease. With regards to proper manoeuvring, the carparking area has been designed to the standards of Australian Standard AS2890 and meets the dimensional controls of clause 6.5.3, while the aesthetic elements are appropriately addressed by ensuring that no spaces are visible from the public realm along Ramirez Road, and that a 2m wide paved strip, inclusive of planter boxes to each end, is provided to soften the impact to the Stuart Highway and encourage passive surveillance and pedestrian interaction with the site. The carparking area is “appropriately designed.. for its intended purpose”, as per the purpose of clause 6.5.3 (Parking Layout) of the Planning Scheme and fits with the site and the surrounding locality.

5. In accordance with the requirements of section 51(m) of the Planning Act, consideration has been given to all comments received from service authorities. Appropriate responses to the matters raised will ensure an appropriate level of service is maintained for the site and surrounding locality.

6. Pursuant to 51(n) of the Planning Act, the Development Consent Authority must, in considering a development application take into account the potential impact on the existing and future amenity of the area in which the land is situated. The motor repair and vehicle sales use is appropriate for the site and its locality, and that there will be no resultant detrimental amenity impact on occupants of the site or surrounding premises. The use of the site will not alter from that which is existing, the development presenting as more standardised and presentable.

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

**ITEM 10**

**PA2012/0834**

**APPLICANT**

VEHICLE SALES AND HIRE AND MOTOR REPAIR STATION

LOT 8013 (34) STUART HIGHWAY, TOWN OF DARWIN

BELL GABBERT ASSOCIATES

Pursuant to section 97 of the Planning Act, Mr Peter McQueen, Chairman of the Development Consent Authority declared an interest and absented himself from the meeting for the deliberation of this item.

Mr Wayne Gabbert (Bell Gabbert Associates) attended.

**RESOLVED**

321/12

That, pursuant to section 53(a) of the Planning Act, the Development Consent Authority consent to the application to develop Lot 8013 (34) Stuart Highway, Town of Darwin for the purpose of vehicle sales and hire and a motor repair station, subject to the following conditions:

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These minutes record persons in attendance at the meeting and the resolutions of the Development Consent Authority on applications before it. Reliance on these minutes should be limited to exclude uses of an evidentiary nature.
CONDITIONS PRECEDENT

1. 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.

2. 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.

3. Prior to the commencement of works (including site preparation) a 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 Department of Transport’s Road Networks Division and/or the City of Darwin, to the satisfaction of the consent authority.

GENERAL CONDITIONS

4. Works carried out under this permit shall be in accordance the plans endorsed as forming part of this permit.

5. All works recommended by the Traffic Impact Assessment report are to be completed to the requirements of the City of Darwin, to the satisfaction of the consent authority.

6. Any developments on or adjacent to any easements on site shall be carried out to the requirements 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, 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.

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. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the City of Darwin and/or the Road Networks Division, to the satisfaction of the consent authority.
10. 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.

11. 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.

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 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.

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. 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.

16. 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.

17. 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 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 the City of Darwin.

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. It is advised that, notwithstanding the approved plans, any proposed awnings, footpaths and landscaping works within the Stuart Highway road reserve are subject to approval from the Road Networks Division, and shall be undertaken at no cost to the Department.

5. The finish of any Prime Identification sign, if erected, shall be such that, if illuminated, day and night readability is the same and is of constant display (i.e. not flashing or variable message). The sign shall be positioned so as not to create sun or headlight reflection to motorists, and be located entirely (including foundations and aerially) within the subject lot.

6. All proposed works within, or impacting upon, the Stuart Highway road reserve are to be designed, supervised and certified on completion by a practising and registered Civil Engineer in accordance with the standards and specifications of the Department of Transport.

7. It is advised that any works within the Stuart Highway road reserve will require a 'Permit to work within a road reserve' from the Manager Road Operations, Road Projects Division, Department of Infrastructure.

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

9. 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.

10. 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.

11. 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.

REASONS FOR THE DECISION

1. The development does not impinge on the primary purpose of Zone SC (Service Commercial), being to “provide for commercial activities which, because of their business or size of the population catchment, require large sites”.

2. 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.

3. 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.

4. 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 stormwater drainage system, and to ensure that no stormwater will sheet-flow into the road reserve or onto adjoining properties.

5. A variation to the requirements of clause 8.3 (Setbacks for Commercial Uses Adjacent to Land in Zones SD, MD, MR or HR) of the Northern Territory Planning Scheme is supported as the non-compliance against this clause is minor and the development has shown good consideration of the purpose of the clause. Full compliance is reached to the residential lot abutting the subject site, and landscaping is provided along the portions of the site that are opposite residential lots to the north and south, and amenity impacts are suitably addressed through the condition precedent outlined above. The landscaping details provided give evidence that massing impacts will be minimised and that the visual impact to nearby residential allotments shall be acceptable. All vehicle servicing activities will take place within the proposed building, thereby minimising any impacts on acoustic amenity. The purpose of clause 8.3 (Setbacks for Commercial Uses Adjacent to Land in Zones SD, MD, MR or HR), to “protect the visual and acoustic amenity of residential buildings where they are adjacent to non-residential uses” is seen to be appropriately maintained through the development.

6. In accordance with the requirements of section 51(m) of the Planning Act, consideration has been given to all comments received from service authorities. Appropriate responses to the matters raised will ensure an appropriate level of service is maintained for the site and surrounding locality.
7. Pursuant to 51(n) of the Planning Act, the Development Consent Authority must, in considering a development application take into account the potential impact on the existing and future amenity of the area in which the land is situated. The motor repair and vehicle sales use is appropriate for the site and its locality, and that there will be no resultant detrimental amenity impact on occupants of the site or surrounding premises. The use of the site will not alter from that which is existing, the development presenting as more standardised and presentable and giving due consideration to all relevant clauses of the Northern Territory Planning Scheme, as required through section 51(a) of the Planning Act.

ACTION: Notice of Consent and Development Permit

ITEM 11  TEMPORARY SHORT TERM AND SHORT STAY ACCOMMODATION VILLAGE
PA2012/0867  COMPRISING 304 ROOMS, DINING AREA, KITCHEN, RECREATION AREAS,
APPLICANT  LAUNDRY AREAS AND CARETAKERS RESIDENCE IN THREE STAGES
AUSSCO MODULAR PTY LTD

SECTION 4445 (55) BATTEN ROAD, HUNDRED OF BAGOT

DAS tabled revised comments from City of Darwin.

Mr Myke Cavenagh (Ausco) attended.

RESOLVED 322/12 That, pursuant to section 53(b) of the Planning Act, the Development Consent
Authority alter the proposed development and consent to the proposed development
as altered to develop Section 4445 (55) Batten Road, Hundred of Bagot for the
purpose of a temporary short term and short stay accommodation village comprising
304 rooms, dining area, kitchen, recreation areas, laundry areas and caretakers
residence in three stages 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 length of car parking bays with a minimum of 5.5m; and
   (b) Appropriate bicycle parking facilities to the requirements of the Department of
       Transport.

2. Prior to commencement of works (including site preparation), the applicant is
   to prepare a schematic stormwater management plan demonstrating the on-site
   collection of stormwater to the requirements of the Department of Lands,
   Planning and the Environment, the Department of Transport, City of Darwin
   and/or the Department of Health as the case may be, to the satisfaction of the
   consent authority.
3. Prior to the commencement of works (including site preparation), a comprehensive Traffic Impact Assessment Report is to be prepared to the requirements of City of Darwin and the Road Network Division of the Department of Transport to the satisfaction of the consent authority.

4. Prior to the commencement of works (including site preparation), a Traffic Management Plan for the construction phase shall be prepared to the satisfaction of the Department of Transport (inclusive of delivery of Modular Transportable Accommodation units) to the satisfaction of the consent authority.

5. Prior to the commencement of works (including site preparation) 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. Plans must be drawn to scale with dimensions. The landscaping plan must be generally in accordance with the landscape concept plan dated October 2012 prepared by Mode Design, except that the plan must show:
   (a) details of surface finishes of pathways and driveways;
   (b) 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;
   (c) landscaping and planting within the area immediately adjacent to proposed works;
   (d) existing vegetation to be retained and removed
   All species selected must be to the satisfaction of the consent authority.

GENERAL CONDITIONS

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

7. The development must proceed in the order of stages as shown on the endorsed plan unless otherwise agreed in writing by 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 and telecommunication networks to the land shown on the endorsed plan in accordance with the authorities’ requirements and relevant legislation at the time.

9. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.

10. Before the use/ occupation of the development starts, a waste management plan addressing:
   (a) the City of Darwin’s Waste Management Policy 054; and
   (b) measures to ensure that waste is managed and stored so as not to attract birds;

Page 41 of 76
must be prepared to the requirements of the City of Darwin and the Darwin International Airport, to the satisfaction of the consent authority.

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. Prior to the commencement of use, advice from a suitably qualified person is required to demonstrate that, under Section 68 of the Waste Management and Pollution Control Act, the site is suitable for the intended use, to the requirements of the Environmental Protection Agency, to the satisfaction of the consent authority.

14. Before the occupation of the development starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
(a) constructed;
(b) properly formed to such levels that they can be used in accordance with the plans;
(c) surfaced with an all-weather-seal coat;
(d) drained;
(e) line marked to indicate each car space and all access lanes; and
(f) clearly marked to show the direction of traffic along access lanes and driveways;
to the satisfaction of the consent authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.

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 Department of Transport, Department of Lands, Planning and the Environment and/or City of Darwin as the case may be, and 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/residents.

17. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Department of Transport, Department of Lands, Planning and the Environment and/or City of Darwin as the case may be, to the satisfaction of the consent authority.

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. All air conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.

20. All substation, fire booster and water meter arrangements are to be appropriately screened to soften the visual impact of such infrastructure on the streetscape. Details will need to be resolved to the satisfaction of the consent authority in consultation with the Power and Water Corporation, and Fire and Emergency Services.

21. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

21. An Occupancy Permit under the Building Act shall not be granted until such time as a new title is issued in respect of the subject site.

22. External lights must be designed, baffled and located to the satisfaction of the consent authority to prevent any adverse effect on adjoining land and roads, and on the operation of the RAAF Base Darwin and Darwin International Airport.

NOTES:

1. A “Permit to Work Within a Road Reserve” may be required from the Department of Infrastructure or City of Darwin before commencement of any work within the McMillan’s and Amy Johnson Road reserves. A “Permit to Work Within a Road Reserve” may be required from City of Darwin before commencement of any work within local road reserves.

2. There are statutory obligations under the Weeds Management Act to take all practical measures to manage weeds on the property. For advice on weed management please contact the Department of Land Resource Management.

3. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the Building Code of Australia, the NT Public and Environmental Health Act and Regulations, the NT Food Act and National Food Safety Standards.

4. 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.

5. 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.

6. 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.

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 development as proposed is predominantly compliant with the NT Planning Scheme. The requirement for amended plans to demonstrate the length of car parking bays is in accordance with 6.5.3 (Parking Requirements) will enable full compliance with all relevant provisions.

In particular, the proposal has demonstrated specific consistency with the primary purpose of Zone SD39, to 'facilitate the use and development of Section 4445 for the temporary use of a short term, short stay, accommodation village as well as uses consistent with Zone CP (Community Purposes)'.

2. 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. In addition, pursuant to section 51(j) of the Planning Act, the consent authority must also take into account 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.

Precedent and general conditions on the recommended permit require: a schematic stormwater management plan, a waste management plan, a traffic impact assessment report, a traffic management plan, a detailed landscaping plan, and certification of site suitability. 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.

ACTION: Notice of Consent and Development Permit
RESOLVED
323/12

That, pursuant to section 53(b) of the Planning Act, the Development Consent Authority alter the proposed development and consent to the proposed development as altered to develop Portion 2235 (651) Stuart Highway, Hundred of Bagot for the purpose of office with ancillary warehouse and trades training, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a schematic plan demonstrating all stormwater to be collected on the site and discharged underground to Council’s stormwater drainage system, to the requirements of 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) written advice is required from the Power and Water Corporation (PAWC) confirming that the development is satisfactory in respect to its services and/or easements within the site.

3. Prior to the commencement of works (including site preparation) a full set of amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

(a) vehicle crossovers to the site reduced in width to a maximum of 6m as required by City of Darwin;
(b) provision of bicycle storage facilities capable of accommodating a minimum 6 bicycles, and designed in accordance with Austroads “Cycling Aspects of Austroads Guides”;
(c) external materials of the building nominated in non-reflective colours/ finishes; and
(d) a landscape plan and associated planting schedule specifying plant species, quantities and mature heights, and designed to prevent any adverse impacts on the operations of the Darwin RAAF base and Darwin International Airport.

4. 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

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


7. 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.

8. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.

9. The 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.

10. 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 City of Darwin to the satisfaction of the consent authority.

11. Before the use or occupation of the development starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
   (a) constructed;
   (b) properly formed to such levels that they can be used in accordance with the plans;
   (c) surfaced with an all-weather-seal coat;
   (d) drained;
   (e) line marked to indicate each car space and all access lanes; and
   (f) clearly marked to show the direction of traffic along access lanes and driveways;
   to the satisfaction of the consent authority.
   Car spaces, access lanes and driveways must be kept available for these purposes at all times.

12. 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.
13. 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.

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. 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.

16. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above roof level of the building.

17. External lights must be designed, baffled and located to the satisfaction of the consent authority to prevent any adverse effect on adjoining land, roads, and on the operation of the RAAF Base Darwin and Darwin International Airport.

18. Storage for waste disposal bins is to be provided to the requirements of City of Darwin to the satisfaction of the consent authority.

19. An Occupancy Permit under the Building Act shall not be granted until such time as a new title issued in respect of the subject site.

NOTES:

1. Notwithstanding the approved plans, any proposed works (including landscaping) within Council’s road reserve 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.

2. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to Council.

3. The site is subject to “The Defence Areas Control Regulations” (DACR). Any structures (including temporary structures) higher than 15m above ground level including, but not limited to, additional buildings, light poles, cranes used during construction, vegetation etc. requires approval by the Department of Defence.


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.
REASONS FOR THE DECISION

1. The proposal is generally consistent with the purpose of Schedule SD31 (Specific Use Darwin 31) which is to facilitate the development of the site for commercial purposes which respond to exposure to aircraft noise.

2. The requirement for amended plans will ensure that:
   - crossovers are provided to the requirements and standards to City of Darwin
   - bicycle storage facilities are provided and appropriately designed as sought by Clause 8.2 (Commercial and other Development in Zones...C...) of the NT Planning Scheme;
   - external materials/ finishes do not adversely impact on the operations of the Darwin International Airport/ RAAF base; and
   - landscaping is appropriately designed to reduce the visual impact of the car park, and to acknowledge the operational requirements of the Darwin International Airport/ RAAF base.

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

**ITEM 13**  
PA2012/0828  
**APPLICATION**  
8 X 3 BEDROOM MULTIPLE DWELLINGS IN 2 X 2 STOREY BUILDINGS  
LOT 1122 & 1123 (1) GARDENS HILL CRESCENT & (4) MELVILLE STREET, TOWN OF DARWIN

APPLICANT
SAVVAS SAVVAS

Mr Savvas Savvas attended.

**RESOLVED**  
324/12  
That, pursuant to section 53(a) of the Planning Act, the Development Consent Authority consent to the application to develop Lot 1122 (1) Gardens Hill Crescent and Lot 1123 (4) Melville Street, Town of Darwin for the purpose of 8 x 3 bedroom multiple dwellings in 4 x 2 storey buildings, subject to the following conditions:

**CONDITION PRECEDENT**

1. Prior to 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. This plan is to be to the satisfaction of the consent authority and is to be endorsed by this permit.

2. 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. The plans must be generally in accordance with the plans submitted with the application but modified to show:
(a) the private open space areas of each dwelling shall be screened on each boundary by:
   • the erection of a solid wall or screen fence not less than 1.8 metres high or
   • fenced to a height not less than 1.8 metres high and planted with dense vegetation;
(b) storage for waste disposal bins to the requirements of City of Darwin;
(c) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, size and maturity, and quantities of each plant; and
(d) details of surface finishes of pathways and driveways.

GENERAL CONDITIONS

3. Works carried out under this permit shall be in accordance with the plans 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 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. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the City of Darwin, 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, and be at no cost to the City of Darwin, to the satisfaction of the consent authority.

8. The owner shall:
   (a) remove disused vehicle and/or pedestrian crossovers;
   (b) provide footpaths/cycleways;
   (c) collect stormwater and discharge it to the drainage network; and
   (d) undertake reinstatement works;
      All to the technical requirements of, and at no cost to, the City of Darwin, and to the satisfaction of the consent authority.

9. Before the use or occupation of the development starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
   (a) constructed;
   (b) properly formed to such levels that they can be used in accordance with the plans;
   (c) surfaced with an all-weather-seal coat;
   (d) drained;
   (e) line marked to indicate each car space and all access lanes; and

Page 49 of 76
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. 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, nor is any of the landscaping within the 6m driveway aisle extent to exceed 0.6m, ensuring that an appropriate level of visual connectivity through the carparking area.

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 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. 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.

16. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

17. An Occupancy Permit under the Building Act must not be issued until 1122 and 1123, Town of Darwin have been consolidated and a new title issued for the consolidated lot.

NOTES:

1. 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. 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.

REASONS FOR THE DECISION

1. The proposal to develop the site for the purpose of 8 x 3 bedroom multiple dwellings in 4 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 above ground level”, and that the development is considered to be of a “scale, character and architectural style that is compatible with the streetscape and surrounding development”.

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. The proposed development is largely compliant with the relevant controls, is appropriate for the site and locality, and is not considered to result in any detrimental amenity impact on the surrounding area. Consideration has been given to the streetscape and existing developments in the locality.

ACTION: Notice of Consent and Development Permit

ITEM 14 PA2012/0830
9 X 2 BEDROOM MULTIPLE DWELLINGS IN A 4 STOREY BUILDING
INCLUDING GROUND LEVEL CAR PARKING
LOT 6082 (73) SABINE ROAD, TOWN OF NIGHTCLIFF
APPLICANT YELLOWCITY PTY LTD

DAS tabled an addendum – advice from the applicant

The applicant sent his apologies.

RESOLVED 325/12
That, pursuant to section 53(a) of the Planning Act, the Development Consent Authority consent to the application to develop Lot 6082 (73) Sabine Road, Town of Nightcliff for the purpose of 9 x 2 bedroom multiple dwellings in 4 storey building including ground level carparking, subject to the following conditions:

CONDITION PRECEDENT

1. 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. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council’s system.
GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings numbered 2012/0830/01 through to 2012/0830/03, endorsed as forming part of this permit.

3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage 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.

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. 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.

6. Before the use or occupation of the development starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
   (a) constructed;
   (b) properly formed to such levels that they can be used in accordance with the plans;
   (c) surfaced with an all-weather-seal coat;
   (d) drained;
   (e) line marked to indicate each car space and all access lanes; and
   (f) clearly marked to show the direction of traffic along access lanes and driveways;
       to the satisfaction of the consent authority.
       Car spaces, access lanes and driveways must be kept available for these purposes at all times.

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) 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.

9. 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.

Page 52 of 76
10. Storage for waste bins disposal bins is to be provided to the requirements of the City of Darwin to the satisfaction of the consent authority.

11. 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.

12. 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.

13. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.

14. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into the City of Darwin’s drains or to any watercourse.

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.

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. A “ Permit to Work Within a Road Reserve” may be required from the City of Darwin before commencement of any work within the road reserve.

3. The Department of Lands, Planning and the Environment 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.

4. 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.

5. 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.
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.

REASONS FOR THE DECISION

1. The proposed development is consistent with the purpose of Zone MR (Medium Density Residential), being to provide for a range of housing options to a maximum height of four storeys and that the development is considered to be of a scale, character and architectural style that is compatible with the streetscape and surrounding development.

2. Pursuant to section 51(n) of the Planning Act, the development is not considered to result in any detrimental amenity impacts on the site and its surrounding locality. The proposed development is largely compliant with the relevant controls, and consideration has been given to the streetscape and existing developments in the locality.

3. City of Darwin advises it is the sole authority responsible under the Local Government Act and associated by-laws for stormwater drainage and as such have requested details of the collection and discharge of stormwater for this proposal.

ACTION: Notice of Consent and Development Permit

ITEM 15 43 X 2 BEDROOM MULTIPLE DWELLINGS IN 1 X 8 STOREY BUILDING PLUS 1 LEVEL OF BASEMENT / UNDERCROFT CAR PARKING AND 1 X 7 STOREY BUILDING INCLUDING GROUND LEVEL CAR PARKING PLUS 1 LEVEL OF BASEMENT / UNDERCROFT CAR PARKING LOTS 2434, 2435 & 2436 (4) & (2) MAUNA LOA STREET & (112) MITCHELL STREET, TOWN OF DARWIN

APPLICANT JACKMAN GOODEN ARCHITECTS (NT) PTY LTD

Mr Colin Browne (Jackman Gooden Architects) and Mr Paul Graham (Aurecon) and Mr George Tsirbas (owner) attended.

Submitters:- Mr Clive Pesavento, Ms Marianne Conaty, Mr Peter & Mrs Belinda Darlington attended.

RESOLVED 326/12 That, the Development Consent Authority vary the requirements of Clauses 6.5.3 (Parking Layout), 7.1.2 (Residential Height Limitations), 7.3 (Building Setbacks of Residential Buildings) 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 Lots 2434, 2435 and 2436 (4 & 2 Mauna Loa Street and 112 Mitchell Street, Darwin City), Town of Darwin for the purpose of 43 x 2 bedroom multiple dwellings in 1 x 8 storey building plus 1 level of basement / undercroft car parking and 1 x 7 storey building including ground level car parking plus 1 level of basement / undercroft car parking, subject to the following conditions:

Page 54 of 76
CONDITIONS PRECEDENT

1. Prior to endorsement of plans and prior to the commencement of works (including site preparation), written advice from City of Darwin is required confirming that the Traffic Impact Report prepared by Aurecon Australia Pty Ltd dated 26/11/2012, and its recommendations in regard to changes to the local road network, is to the requirements of Council, to the satisfaction of the consent authority.

2. 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’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.

3. Prior to the endorsement of plans and prior to the commencement of works, a waste management plan addressing 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.

4. 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) Electricity easements for all electrical infrastructure required, to the requirements of Power and Water Corporation and 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. An Occupancy Permit under the Building Act must not be issued until Lots 2434, 2435 and 2436 Town of Darwin have been consolidated and a new title issued for the consolidated lot.
9. All works within the Mauna Loa Street road reserve recommended by the Traffic Impact Report are to be completed to the requirements of the City of Darwin.

10. Before the use commences the owner must, in accordance with section 70(5) of the Planning Act, pay a monetary contribution to the City of Darwin for any on-street car parking bays lost as a result of the development. The contribution is to be calculated in accordance with the requirements of section 70(6) of the Planning Act.

11. Storage for waste disposal bins is to be provided to the requirements of City of Darwin, to the satisfaction of the consent authority.

12. Any security boom, barrier or similar device controlling vehicular access to the premises must be located a minimum of six metres inside the property to allow vehicles to stand clear of the Mauna Loa Street pavement and footpath.

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. Before the occupation of the development starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
   (a) constructed;
   (b) properly formed to such levels that they can be used in accordance with the plans;
   (c) surfaced with an all-weather-seal coat;
   (d) drained;
   (e) line marked to indicate each car space and all access lanes; and
   (f) clearly marked to show the direction of traffic along access lanes and driveways;
   to the satisfaction of the consent authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.

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 air conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.

20. All 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.

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. 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.

23. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into the City of Darwin's drains or to any watercourse.

24. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

25. All substations, fire booster and water meter arrangements are to be appropriately screened to soften the visual impact of such infrastructure on the streetscape, to ensure that the infrastructure is sympathetic to and blends in with the design of the building. Details will need to be resolved to the satisfaction of the consent authority in consultation with the Power and Water Corporation, and NT Fire and Emergency Services.

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. A “Permit to Work Within a Road Reserve” may be required from the City of Darwin before commencement of any work within the road reserve.

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. 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.

5. The Power and Water Corporation advises that full site fire coverage cannot be achieved from existing hydrants and internal fire fighting arrangements should be made to the satisfaction of the NT Fire and Rescue Service.

6. This development permit does not grant "building approval" for the proposed structures. 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.

7. 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.

8. 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.

9. Power and Water Corporation has advised that the developer is responsible for safety clearance compliance between existing overhead powerlines in the area and any new building or extension during construction and at its completed stage, in accordance with the NT Electricity Reform (Safety and Technical) Regulations 2000.

**REASONS FOR THE DECISION**

1. The proposed development is consistent with the purpose of Zone HR (High Density Residential) of the Northern Territory Planning Scheme, being to provide high density housing options close to major roads, schools and other community facilities.

2. A variation to the setback requirement of Clause 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme is supported given the nature of the car park structures, being enclosed undercroft and basement car parking areas rather than open expanses of pavement. The use of vents and landscaping would effectively screen and soften the structures, thereby minimising any adverse impact the car parking areas might have when viewed from the street. The undercroft and basement car parks are considered to be appropriately designed for their intended purpose and therefore consistent with the purpose of the clause.
3. In regard to the height of Tower 2, the fall of the site combined with the 3 metre wide sewerage easement within Lot 2434 is considered to represent a special circumstance for consideration. Were the car park to be lowered 800mm it would be assessed as a basement and Tower 2 would have a compliant 8 storeys above ground level, however the sewerage easement prevents excavation to lower the car park level.

A variation to the 8 storey height limitation of Clause 7.1.2 (Residential Height Limitations) is acceptable as the proposed building is consistent with the purpose of the clause, being compatible with existing development nearby and future high density development anticipated on adjacent properties, and the non-compliance is not of such a nature that it would result in instances of overlooking of adjoining properties.

When viewed from Mitchell Street, Tower 2 would be visibly taller than Tower 1 however this difference would appear attributable to the topography of the area rather than the 800mm gained by the undercroft car park structure (and the fact that Tower 2 would only be 7 storeys). The difference in height would also provide some variety to the built form and further differentiate the two towers.

Given the fall of the land from Smith Street to Mitchell Street, the height of Tower 2 would be compatible with future residential development of adjacent lots within the block containing the subject site, provided they are developed in a manner consistent with the height and density provisions applicable in Zone HR.

The non-compliance does not facilitate additional dwellings within Tower 2 and would not elevate dwellings to a point that would result in instances of overlooking of adjoining properties.

4. In regard to setback non-compliances, the sewerage easement within Lot 2434 and the ‘L’ shape of the site are considered to represent special circumstances for consideration.

The sewerage easement effectively severs a third of the site from the remainder and therefore constrains the logical development of the site to two separate towers. In regard to the configuration of two towers within the site, full compliance with the setback requirements of Clause 7.3 would likely require a reduction in dwelling and building size to a point where it would have an adverse impact upon the amenity of the buildings and dwellings for future residents, or a reduction in the number of dwellings that can be accommodated within the site, which would be inconsistent with the purpose of Zone HR (High Density Residential).

*Basement and undercroft car park structures*

A variation to the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) in regard to the basement and undercroft car park structures is acceptable, as the structures are generally consistent with the
purpose of the clause. Vents are proposed within the street facades of each structure as well as landscaping within the setbacks, which would screen and soften the structures, thereby minimising their visual impact and ensuring their compatibility with the streetscape.

The structures are non-habitable and located at ground level, therefore the reduced setbacks would be unlikely to lead to instances of undue overlooking of the adjoining property to the southeast (in regard to the Tower 2 undercroft car park) or compromise breeze penetration through and between buildings.

Towers

Variations to the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) in regard to setbacks from Towers 1 and 2 are acceptable as the siting, orientation and built form of these towers is generally consistent with the purpose of the clause. The articulated facades, open spaces on building corners, a variety in building materials proposed and the regular placement of windows and awnings are aspects of each tower which would aid in minimising any adverse building massing effect the building might have when viewed from adjoining land and the street.

The reduced setbacks would be unlikely to compromise breeze penetration through and between buildings on the same and adjacent sites, given the siting of the towers and the path of prevailing breezes. The location and orientation of private balconies and windows to habitable rooms within each tower is such that dwellings would be able to take advantage of prevailing wet season breezes from the northwest, while the setback between both towers would maintain a breeze way through to any future high density residential development on adjacent Lot 2437.

The reduced setbacks would be unlikely to lead to instances of undue overlooking as reasonable and balanced setbacks are proposed and the technical setback non-compliances at upper levels are not so severe that they would actively facilitate overlooking of adjoining or nearby properties.

The two separate towers proposed are considered to represent a good design response to the site's constraints in terms of the purpose of Clause 7.3. The towers would not present as an overdevelopment of the site as they would occupy only 25% of its total area. The towers address all street frontages well and would be compatible with and considerate of nearby development (both existing and anticipated) in terms of minimising opportunities for overlooking and retaining access to prevailing wet season breezes.

5. A variation to the dimension requirement of Clause 7.5 (Private Open Space) is supported given the minor nature of the non-compliance. The private open space balcony areas exceed the 12m² minimum size
requirement, and each area is appropriately sited, enables an extension of the function of each dwelling and of dimensions adequate to provide for domestic purposes, and therefore consistent with the purpose of the clause.

6. Conditions relating to the endorsement of the traffic impact report by City of Darwin and the implementation of its recommendations for changes to the local road network are required to ensure that the potential traffic impacts of the development are adequately addressed.

7. 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 has requested details of the collection and discharge of stormwater run-off and waste storage and removal.

**ACTION:** Notice of Determination

**ITEM 16**
**PA2012/0814**
**APPLICANT**
2FRESH PTY LTD ATF CAFE 21 TRUST

Mr Brian Barnes (2Fresh Pty Ltd ATF Café 21 Trust) attended.

**RESOLVED**
**327/12**
That, pursuant to section 53(a) of the Planning Act, the Development Consent Authority consent to the application to develop Lot 2347 and Lot 6002 The Mall, Town of Darwin for the purpose the of an alfresco dining area within the Mall, 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 requirements of City of Darwin, 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) total width of The Mall and tactile strip;
(b) distance from tactile strip to dining area;
(c) existing infrastructure; and
(d) exact dimensions of dining area;
(e) the dining area not exceeding past the centre line of The Mall; and
(f) the alfresco area delineated by removable barriers.

**GENERAL CONDITIONS**

These minutes record persons in attendance at the meeting and the resolutions of the Development Consent Authority on applications before it. Reliance on these minutes should be limited to exclude uses of an evidentiary nature.
2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.

3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, and electricity services and telecommunication networks to the land shown on the endorsed plan in accordance with the authorities’ requirements and relevant legislation at the time.

4. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.

5. 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 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. City of Darwin advises that, the portion of the development on Lot 6002 shall meet Council’s policy No. 11 Outdoor Dining, to the satisfaction of the General Manager Infrastructure, City of Darwin, and at no cost to Council.

3. City of Darwin advises that any signage for the site shall be wholly within the subject site and subject to Councils Policy No. 42 – Outdoor Advertising Signs Code. In addition, any proposed development on Council property shall be in accordance with Councils policy No. 37 - Awnings, Balconies and Verandahs.

4. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the Building Code of Australia, the NT Public Health Act and Regulations, the NT Food Act and National Food Safety Standards.
REASONS FOR THE DECISION

1. The proposed development is consistent with the purpose of Zone CB (Central Business), which is "to provide for a diversity of activities including administrative, judicial, professional, office, entertainment, cultural, residential and retail and other business activities with a commitment to the separation of incompatible activities". The use of this space for an alfresco dining area is considered to be a positive contribution to the Mall and is compatible with the scale, character and style of similar developments in the vicinity.

2. A reduction of 3.22 parking spaces through Clause 6.5.2 (Reduction in Parking Requirements) is supported as there are a large number parking spaces in the vicinity of the site, most of which will be available at the expected peak time of the related restaurant and that most patrons of the restaurant will traverse by foot to and from the restaurant. Thereby, resulting in the efficient utilisation of resources in the Darwin CBD whilst promoting a vibrant commercial precinct.

ACTION: Notice of Consent and Development Permit

ITEM 17
PA2012/0822
OFFICES AND RESTAURANT IN 8 X 3 STOREY BUILDINGS PLUS 1 LEVEL OF BASEMENT CAR PARKING
PORTION 2235 (651) STUART HIGHWAY, HUNDRED OF BAGOT
APPLICANT
MASTERPLAN NT

Mr Brad Cunnington, Ms Adelle Godfrey and Mr Simon Tonkin (Masterplan NT), Mr George Savvas (Concept Designs) and Mr Charles Burkitt (First National Commercial) attended.

RESOLVED
328/12
That, pursuant to section 53(b) of the Planning Act, the Development Consent Authority alter the proposed development and consent to the proposed development as altered to develop Portion 2235 (651) Stuart Highway, Hundred of Bagot for the purpose of offices and restaurant in 8 x 3 storey buildings plus 1 level of basement car parking in 2 stages, subject to the following conditions:

CONDITIONS PRECEDENT

1. 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’, with particular attention to vehicular, pedestrian, cyclist and public transport issues and opportunities, with focus on the number of driveway crossovers and the interaction of traffic patterns in relation to the multiple crossovers. The report is to be to the approval of the City of Darwin, to the satisfaction of the consent authority.

2. Prior to endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a schematic plan...
demonstrating all stormwater to be collected on the site and discharged underground to Council’s stormwater drainage system, to the requirements of City of Darwin, to the satisfaction of the consent authority.

3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation) written advice is required from the Power and Water Corporation (PAWC) confirming that the development is satisfactory in respect to its services and/or easements within the site.

4. Prior to the commencement of works (including site preparation) a full set of amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

(a) the 2 turn-around bays provided at with either a minimum width of 3.5m, or with the abutting accessway extended 1m past the bays;
(b) all external materials of the building nominated in non-reflective colours/ finishes; and
(c) the landscape plan and associated planting schedule specifying mature heights for all plant species, with species and plant heights selected to prevent any adverse impacts on the operations of the Darwin RAAF base and Darwin International Airport.

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 with the plans endorsed as forming part of this permit.

7. Before the use/ occupation of the development starts, the owner shall carry out all civil works required for the (future) signalisation of the Stuart Highway/ Mountbatten Road four way intersection, to the standards and requirements of Road Network Division of the Department of Transport, to the satisfaction of the consent authority.

8. Before the use/ occupation of the development starts, a waste management plan addressing:
(a) the City of Darwin’s Waste Management Policy 054; and
(b) measures to ensure that waste is managed and stored so as not to attract birds; must be prepared to the requirements of the City of Darwin and the Darwin International Airport, to the satisfaction of the consent authority.
9. The development must be designed and constructed to comply with AS2021-2000 ‘Acoustics – Aircraft noise intrusion – Building siting and construction’ (AS2021), and a statement from a suitably qualified acoustic engineer confirming compliance with AS2021-2000 must be submitted prior to occupation of the development, to the satisfaction of the consent authority.

10. 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.

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 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.

13. 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 City of Darwin to the satisfaction of the consent authority.

14. Before the use or occupation of the development starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
   (a) constructed;
   (b) properly formed to such levels that they can be used in accordance with the plans;
   (c) surfaced with an all-weather-seal coat;
   (d) drained;
   (e) line marked to indicate each car space and all access lanes; and
   (f) clearly marked to show the direction of traffic along access lanes and driveways;
      to the satisfaction of the consent authority.
      Car spaces, access lanes and driveways must be kept available for these purposes at all times.

15. 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.

16. 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.
17. 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.

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. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above roof level of the building.

20. Storage and collection for waste disposal bins is to be provided to the requirements of City of Darwin to the satisfaction of the consent authority.

21. The finish of any Prime Identification signs, if erected, shall be such that, if illuminated, day and night readability is the same and is of a constant display (ie. not flashing or variable message). The sign shall be positioned:
   (a) so as not to create sun or headlight reflection to motorists; and
   (b) be located entirely (including foundations and aerially) within the subject lot.

22. External lights must be designed, baffled and located to the satisfaction of the consent authority to prevent any adverse effect on adjoining land and roads, and on the operation of the RAAF Base Darwin and Darwin International Airport.

23. An Occupancy Permit under the Building Act shall not be granted until such time as a new title is issued in respect of the subject site.

NOTES:

1. Notwithstanding the approved plans, any proposed works (including landscaping) within Council's road reserve 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.

2. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to Council.

3. The developer is to contact Telstra via http://www.telstrasmartcommunity.com/ prior to any work commencing to facilitate the installation of the Telstra Network.

4. The site is subject to “The Defence Areas Control Regulations” (DACR). Any structures (including temporary structures) higher than 15m above ground level including, but not limited to, additional buildings, light poles, cranes used during construction, vegetation etc. requires approval by the Department of Defence.

5. Darwin International Airport advises that the site is within extraneous lighting Zone C, and the lighting must comply with Section 9.21 “Lighting in the

Page 66 of 76

These minutes record persons in attendance at the meeting and the resolutions of the Development Consent Authority on applications before it. Reliance on these minutes should be limited to exclude uses of an evidentiary nature.

6. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the Building Code of Australia, the NT Public Health Act and Regulations, the NT Food Act and National Safety Standards.

7. 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.

REASONS FOR THE DECISION

1. The proposal is generally consistent with the purpose of Schedule SD31 (Specific Use Darwin 31) which is to ‘facilitate the development of the site for commercial purposes which respond to exposure to aircraft noise’.

2. The requirement for amended plans will ensure that:

- vehicle access and manoeuvrability is satisfactory and achieves the purpose of clause 6.5.3 (Parking Layout) of the NT Planning Scheme;
- external materials/ finishes do not adversely impact on the operations of the Darwin International Airport/ RAAF base; and
- landscaping is appropriately designed to acknowledge the operational requirements of the Darwin International Airport/ RAAF base.

ACTION: Notice of Consent and Development Permit

ITEM 18 PA2012/0773
10 X 3 AND 8 X 2 BEDROOM MULTIPLE DWELLINGS IN A 6 STOREY BUILDING INCLUDING GROUND LEVEL CAR PARKING
LOTS 1239 & 5223 (11) & (13) MALABAR COURT, TOWN OF DARWIN
APPLICANT PRECISION DRAFTING SERVICES PTY LTD

Mr Andrew Swenson and Mr Israel Kgosiemang (One Planning Consult) attended.

The applicant tabled an email from City of Darwin in respect to the traffic impact assessment.

RESOLVED 329/12
That, the Development Consent Authority vary the requirements of Clause 6.5.3 (Parking Layout) and Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application to develop Lots 1239 & 5223 (11 & 13) Malabar Court, Town of Darwin for the purpose of 9 x 3 and 9 x 2 bedroom multiple dwellings in a 6 storey building including ground level car parking, subject to the following conditions

Page 67 of 76
CONDITIONS PRECEDENT

1. Prior to endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a schematic plan demonstrating all stormwater to be collected on the site and discharged underground to Council's stormwater drainage system, to the requirements of City of Darwin and 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 Traffic Impact Assessment (TIA) report prepared in accordance with the Austroads document 'Guide to Traffic Management Part 12: Traffic Impacts of Developments', with particular attention to 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.

3. Prior to endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to obtain written approval from the Power and Water Corporation for development on/over its easement or otherwise as required by Power and Water Corporation, to the satisfaction of the consent authority.

GENERAL CONDITIONS

4. Works carried out under this permit shall be in accordance with the plans 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, 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 City of Darwin, to the satisfaction of the consent authority.

8. The owner shall:
   (a) remove disused vehicle and/or pedestrian crossovers;
   (b) provide footpaths/cycleways;
   (c) collect stormwater and discharge it to the drainage network; and
   (d) undertake reinstatement works;
   all to the technical requirements of and at no cost to City of Darwin to the satisfaction of the consent authority.

9. Before the use or occupation of the development starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
(a) constructed;
(b) properly formed to such levels that they can be used in accordance with the plans;
(c) surfaced with an all-weather-seal coat;
(d) drained,
(e) line marked to indicate each car space and all access lanes; and
(f) clearly marked to show the direction of traffic along access lanes and driveways;

to the satisfaction of the consent authority.
Car spaces, access lanes and driveways must be kept available for these purposes at all times.

10. The car parking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their visitors.

11. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.

12. Before the use/occupation of the development starts, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.

13. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.

14. Soil erosion and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

15. 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.

16. 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.

17. Storage and collection of waste disposal bins is to be provided to the requirements of City of Darwin to the satisfaction of the consent authority.

18. An Occupancy Permit under the Building Act shall not be granted until such time as Lots 1239 & 5223, Town of Darwin have been consolidated and a new title issued in respect of that consolidated allotment.

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. Power and Water Corporation advise that the developer will be required to provide a monetary contribution towards the upgrade of the local sewer infrastructure.

3. Notwithstanding the approved plans, any works within Council’s road reserve is subject to Council’s approval and shall meet all Council’s requirements to the satisfaction of the General Manager or Infrastructure, City of Darwin and at no cost to Council.

4. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to Council.

5. The developer is to contact Telstra via http://www.telstrasmartcommunity.com/ prior to any work commencing to facilitate the installation of the Telstra Network.

6. 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 proposed development is consistent with the purpose of Zone HR (High Density Residential) which is to provide high density housing options close to major roads, schools and other community facilities.

2. Variations to Clause 6.3.5 (Car Parking Layout) of the NT Planning Scheme is on the basis that the car park has been designed in accordance with the relevant Australian Standard (as confirmed by an engineer's statement) and will therefore achieve the purpose of the clause which is to 'ensure that a car parking area is appropriately designed, constructed and maintained for its intended purpose'.

3. Variations to Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme are considered justified as:
   - special circumstances, through the awkward location of 2 easements are considered to merit the proposed reduced setbacks;
   - the proposal is for a 6 storey building, which is less than 8 storeys permitted within Zone HR (High Density Residential) and better reflects the surrounding built form;
the shade sail and covered pedestrian structures are open structures with minimal visual impact to the streetscape, and enabling breeze penetration/circulation.

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

**ITEM 19**

**24 X 2 BEDROOM MULTIPLE DWELLINGS AND GROUND LEVEL COMMERCIAL**

**IN A 3 STOREY BUILDING**

**LOT 9716 (5) ROTHDALE ROAD, TOWN OF NIGHTCLIFF**

**APPLICANT**

YELLOWCITY PTY LTD

The applicant sent his apologies.

Submitter:- Ms Lisa Peters attended

**RESOLVED**

**330/12**

That the Development Consent Authority vary the requirements of clauses 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 9716 (5) Rothdale Road, Town of Nightcliff for the purpose of 12 x 2 bedroom and 8 x 3 bedroom multiple dwellings and ground level commercial in a 3 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), 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.

2. 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 also to discuss the benefit of providing access to the site from the existing ‘right of way’ over Lot 9717, Town of Nightcliff. The report is to be to the approval of the City of Darwin, to the satisfaction of the consent authority.

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.

4. Prior to the commencement of works (including site preparation) confirmation is to be received from the Department of Transport’s ‘Public Transport’ division that bus shelter no. 208, is relocated to the requirements of the Department of Infrastructure, to the satisfaction of the consent authority.

*These minutes record persons in attendance at the meeting and the resolutions of the Development Consent Authority on applications before it. Reliance on these minutes should be limited to exclude uses of an evidentiary nature.*
GENERAL CONDITIONS

5. Works carried out under this permit shall be in accordance the plans 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, 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.

8. All works recommended by the Traffic Impact Assessment report are to be completed to the requirements of the City of Darwin, to the satisfaction of the consent authority.

9. The owner shall:
   (a) remove disused vehicle and/or pedestrian crossovers;
   (b) provide footpaths/cycleways;
   (c) collect stormwater and discharge it to the drainage network; and
   (d) undertake reinstatement works;
   All to the technical requirements of, and at no cost to, the City of Darwin and/or the Department of Lands, Planning and the Environment, as the case may be, to the satisfaction of the consent authority.

10. Before the use or occupation of the development starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
    (a) constructed;
    (b) properly formed to such levels that they can be used in accordance with the plans;
    (c) surfaced with an all-weather-seal coat;
    (d) drained;
    (e) line marked to indicate each car space and all access lanes; and
    (f) clearly marked to show the direction of traffic along access lanes and driveways;
    to the satisfaction of the consent authority.
    Car spaces, access lanes and driveways must be kept available for these purposes at all times.

11. 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.

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.
10. Before the use of the development starts the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.

11. The landscaping shown on the endorsed landscape plan must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.

12. All roads, storage areas, external stockpiles, or vacant areas must be maintained to avoid dust nuisance to any residential area to the satisfaction of the consent authority.

13. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.

14. 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.

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 to ground level in a controlled manner to the satisfaction of the consent authority.

16. 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.

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

3. 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.
4. 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.

5. 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.

REASONS FOR THE DECISION

1. The proposal is consistent with the primary purpose of Zone C (Commercial), which is, “to provide for a range of business and community uses”, and is of a ‘scale and character appropriate to the service function of the centre, respects the amenity of adjacent and nearby uses, and promotes community safety in building design, having regard to adjacent and nearby uses’, as also given by clause 5.8 (Zone C – Commercial) of the Northern Territory Planning Scheme.

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 the stormwater drainage system, and to ensure that no stormwater will sheet-flow into the road reserve or onto adjoining properties.

3. 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.

4. 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.

5. Bus shelter no. 208 is required to be moved to ensure that there is no conflict between the development and the listed bus stop on Rothdale Road, which is presently too close to the ingress/ egress point for the development.

6. A variation to the requirements of clause 7.1.1 (Residential Density Limitations) of the Northern Territory Planning Scheme is supported as the effective shortfall of 10.5m² per unit is seen as reasonable, and the development clearly accords with the purpose of clause 7.1.1, which 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, and that is consistent with land capability”. All matters raised by service authorities can be addressed by conditions or notes on a development permit, and the development satisfies all other applicable clauses of the NT Planning Scheme, exceeding the communal open space area required by clause.
7.6 (Communal Open Space) by 195.5m². The development meets the purpose of this clause and is not seen to excessively surpass the dwelling density given by Table E to clause 7.1.1.

7. 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.

8. In accordance with the requirements of section 51(m) of the Planning Act, consideration has been given to all comments received from service authorities. Appropriate responses to the matters raised will ensure an appropriate level of service is maintained for the site and surrounding locality.

9. Pursuant to 51(n) of the Planning Act, the Development Consent Authority must, in considering a development application take into account the potential impact on the existing and future amenity of the area in which the land is situated. The development proposed, inclusive of 12 x 2 bedroom and 8 x 3 bedroom multiple dwellings and ground level commercial in a 3 storey building, is appropriate for the site and its locality, and should see no undue amenity impacts on future occupants of the site or surrounding premises.

**ACTION:** Notice of Determination

**ITEM 20**
**PA2011/0272**
**12 X 2 BEDROOM MULTIPLE DWELLINGS IN A 4 STOREY BUILDING PLUS BASEMENT CAR PARKING**
**LOT 2017 (6) QUEEN STREET, TOWN OF DARWIN**
**APPLICANT**
**GEORGE MAMOZELLOS**

Mr George Mamouzellos attended

**RESOLVED**
**331/12**

That, pursuant to section 46(4)(b) of the Planning Act, the Development Consent Authority defer consideration of the application to develop Lot 2017 (6) Queen Street, Town of Darwin for the purpose of 12 x 2 bedroom multiple dwellings in a 4 storey building to require the applicant to provide the following information that the authority considers necessary in order to enable the proper consideration of the application:

- Confirmation from a traffic engineer that the vehicle access ramps and car parking area achieves compliance with the minimum standards of Australian Standard AS/NZS 2890.1:2004 – Parking Facilities – Off Street Car Parking. Evidence that the traffic engineer has viewed and assessed the application plans is required to be provided and is to make reference to the relevant numbered plans and/or be supported by the plans stamped and signed by the traffic engineer.

Page 75 of 76
- Evidence to demonstrate that finished height of the basement level is at no point more than 1m above the existing ground level of the site. Evidence could include site survey levels and finished levels of the basement; and

- Amended plans showing the design details of the development as shown on the perspective drawing provided with the application.

RESOLVED
332/12

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 2017 (6) Queen Street, Town of Darwin for the purpose of 12 x 2 bedroom multiple dwellings in a 4 storey building plus basement car parking subject to the provision of the information as required by the DCA resolution number 331/12 on 6 December 2012.

REASONS FOR THE DECISION

1. Confirmation from a traffic engineer is required to ensure that access to the basement is functional and convenient. Information provided to date does not conclusively demonstrate compliance with this standard therefore the confirmation required to be provided is required to make reference to the relevant numbered plans and/or be supported by the plans stamped and signed by the traffic engineer.

2. Confirmation that the basement will not protrude more than 1.0m above existing ground level is required to ensure that the building will meet the technical standards of the NT Planning Scheme in relation to being a four storey development. A five storey building is a prohibited development and consequently could not be supported by the authority.

3. Amended plans showing all design details as shown on the perspective will ensure that all information is included on the development plans and can be expected to be constructed.

4. The resolution to delegate to the chairman the powers to determine the application will mean once the required information has been provided consideration can be given to the application without delay.

ACTION: Advice to Applicant

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

[Signature]
GRANT TAMBLING
Delegate

12/12/12