



# **DEVELOPMENT CONSENT AUTHORITY**

## **DARWIN DIVISION**

### **MINUTES**

**MEETING No. 270 – FRIDAY 22 APRIL 2016**

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

**MEMBERS PRESENT:** Denis Burke (Chairman), Doug Phillips, Steve Ward (Session 2 only), Bob Elix and Garry Lambert

**APOLOGIES:** John Gleeson

**OFFICERS PRESENT:** Margaret Macintyre (Secretary), Sally Graetz, Adelle Godfrey and Sarah Gooding (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Nadia Smith and James Whyte

**Meeting opened at 10.00 am and closed at 1.30 pm**

**ITEM 1**                      **WAREHOUSE, OFFICE AND SHOWROOM SALES IN A 2 STOREY BUILDING**  
**PA2016/0139**              **SECTIONS 5301 (1) DOWNES STREET, 5302 (2) BOMBING ROAD, 5303 (88)**  
**APPLICANT**              **WINNELLIE ROAD & 5304 (2) CATTERTHUN STREET, HUNDRED OF BAGOT**  
                                    **RANDAZZO C & G DEVELOPMENTS PTY LTD**

Mr Michael Spadaccini and Mr Mario Madalozzo attended on behalf of the applicant.

**RESOLVED**              That, the Development Consent Authority vary the requirements of Clauses 6.1  
**81/16**                      (General Height Control) and 6.5.1 (Parking Requirements) of the Northern Territory  
                                    Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the  
                                    proposed development to develop Section 5301 (1) Downes Street, Section 5302 (2)  
                                    Bombing Road, Section 5303 (88) Winnellie Road and Section 5304 (2) Catterthun  
                                    Street, Hundred of Bagot for the purpose of warehouse, office and showroom sales in  
                                    a 2 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 submit written confirmation that an agreement has been reached with the City of Darwin regarding the provision of at least 19 car parking spaces within the road reserve, or demonstrate the provision of compliant car parking spaces on site.
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), approval is required by the City of Darwin for any element of the building (car parking bays) that are designed to be constructed over the City of Darwin road reserve, to the satisfaction of the consent authority.
3. 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, and must be generally in accordance with the plans submitted with the application but modified to show:
  - a. Inclusion/allocation of a percentage of on-site parking for staff parking (including details of any signage/line marking).
4. Prior to the endorsement of plans and prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Darwin stormwater drainage system shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority. 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.

5. Prior to the commencement of works, a Construction Environmental Management Plan (CEMP) for the management and operation of the use must be prepared to the requirements of the City of Darwin, to the satisfaction of the consent authority. When approved, the CEMP will be endorsed and will then form part of the permit. The use must at all times be conducted in accordance with the endorsed plan.
6. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a waste management plan to the requirements of the City of Darwin, to the satisfaction of the consent authority. The waste management plan is required to confirm waste collection will occur wholly on site.
7. Prior to the commencement of works (including site preparation), the applicant is to prepare a dilapidation report covering infrastructure within the road reserve to the requirements of the City of Darwin, to the satisfaction of the consent authority.

#### GENERAL CONDITIONS

8. Works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
9. An Occupancy Permit under the *Building Act* or Certificate of Compliance under the *Planning Act* (whichever occurs first) must not be issued until Sections Section 5301 (1) Downes Street, Section 5302 (2) Bombing Road, Section 5303 (88) Winnellie Road and Section 5304 (2) Catterthun Street, Hundred of Bagot have been consolidated and a new title issued for the consolidated lot.
10. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities and electricity services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
11. The developer 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.

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;
  - (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 including no entry/no exist sign and arrows.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 the City of Darwin, to the satisfaction of the consent authority.
14. Before the use/occupation of the development starts, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
15. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
16. No fence, hedge, tree or other obstruction exceeding a height of 0.6 m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
17. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
18. 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).

#### NOTES:

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

3. Any proposed works which fall within the scope of the *Construction Industry Long Service Leave and Benefits Act* must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
4. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites in the Northern Territory. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

## REASONS FOR DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. The application is for the development of two warehouses, office and showroom sales in a 2 storey building. The proposal is considered consistent with the purpose of Zone GI (General Industry) of the Scheme.

A variation to Clause 6.1 (General Height Control) of the Scheme to allow a maximum height of 8.6m where 8.5m is required is considered acceptable as:

- The variation of 0.1m from the scheme requirements is considered insignificant as it is such a small deviation (less than 2%);
- The architectural embellishments and articulation including the signage panels, feature blade walls and corrugated sheeting on awning frames add interest to the streetscape and reduce any expanses of blank walls;
- The building is well setback from the street;
- Proposed landscaping is expected to reduce any impact of the building height; and
- It is not unusual for the Authority to grant minor variations to height requirements particularly in the Winnellie area where some land is subject to a moderate fall.

For the above reasons the development is not expected to have any massing effect on the adjoining land or streets. The development is consistent with existing development on the surrounding land and what is reasonably expected within Zone GI.

Clause 6.5.2 (Reduction in Parking Requirements) of the Scheme allows the authority to consent to a development with fewer car parking spaces than required by clause 6.5.1. The land forms part of the Winnellie industrial precinct within Zone GI (General Industry) which is currently serviced with a mixture of on-street parking as well as on-site car parking. This proposal takes the same approach as other existing development and proposes a mix of on and off street parking to service the use. Condition precedent 1 requires the applicant to enter into agreements

with the City of Darwin for provision of at least 19 on street car parking bays as proposed in the application to ensure adequate car parking is available for the use. The plans show provision of in excess of 19 bays within the road reserve which the consent authority viewed as adding considerable merit to the proposed onsite parking shortfall but also encourages provision of additional street planting and shade trees as part of any development of parking within the road reserve, to Council's requirements. In addition to these considerations, the consent authority considered that bus route #5 services Winnellie between Casuarina and Darwin City stops on Catterthun Street approximately 180m south of the subject site. In consideration of the combination of on-site and on-street parking proposed and access to public transport in the area, the on-site shortfall of 19 bays is considered acceptable.

2. Pursuant to Section 51(j) of the *Planning Act*, the consent authority must take into consideration the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development. The site is predominantly vacant and includes a fall off at the edge of the eastern boundary. It does not appear to contain any other constraints which may affect the development or cause the development to impact on other land in the vicinity. The land is within Zone GI (General Industry) to accommodate industrial activities such as warehouse and showroom sales. Therefore, provided that all issues raised by the service authorities are suitably addressed it is considered that the land is capable of supporting the proposed development.
3. A condition precedent requiring submission of amended plans showing identification/allocation of staff parking within the site has been included to ensure that adequate staff parking is available and to avoid dependence on on-street parking by employees of the approved development.

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

**ITEM 2**                      **2 X 3 AND 2 X 4 BEDROOM MULTIPLE DWELLINGS IN 2 X 2 STOREY**  
**PA2016/0153**            **BUILDINGS**  
**APPLICANT**           **LOT 2219 (26) PHILIP STREET, TOWN OF DARWIN**  
**GEORGE SAVVAS**

Mr George Savvas and Mr Nick Scaturchio (landowner) attended.

Submitter Mr Vin Keneally (representing Southern Cross Care owners of the adjoining Pearl Supported Care Facility) attended.

**RESOLVED**            That, the Development Consent Authority vary the requirements of Clauses 7.1.1  
**82/16**                    (Residential Density Limitations), 7.3.1 (Additional Setback Requirements for  
Residential Buildings Longer than 18m and for Residential Buildings over 4 Storeys in

Height) and 7.5 (Private Open Space) of the Northern Territory Planning Scheme, and pursuant to Section 53(a) of the *Planning Act*, consent to the application to develop Lot 2219 (26) Philip Street, Town of Darwin for the purpose of 2 x 3 and 2 x 4 bedroom multiple dwellings in 2 x 2 storey buildings, 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 undertake a detailed site survey shall be submitted to the consent authority to identify the property boundary in relation to the location of existing boundary fences and vegetation.
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to provide written confirmation from the Water Services division of the Power and Water Corporation that the additional density proposed (0.4 units) is compatible with the existing and planned provision of reticulated water and sewer services.
3. 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, and must be generally in accordance with the plans submitted with the application but modified to show:
  - a. confirmation that the pavers/stepping stones identified within the private open space areas of each unit are within grassed areas, or otherwise another permeable surrounds; and
  - b. identification of screening treatments between the private open space areas for Units 1 & 2, and Units 3 & 4.
4. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a schematic plan demonstrating the on-site collection of stormwater and its discharge into the underground stormwater drainage system shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority. The plan shall include details of site levels and stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected to the underground system.
5. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare an Environment and Construction Management Plan (ECMP) to the requirements of the City of Darwin. The ECMP is to address waste management, traffic control, haulage routes, and the use of Council land during construction, to the satisfaction of the consent authority.

6. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a dilapidation report covering infrastructure within the road reserve to the requirements of the City of Darwin, to the satisfaction of the consent authority.

## **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 services 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. 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.
11. 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. 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.
12. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.
13. A Compliance Certificate under the Swimming Pool Safety Act issued by the Swimming Pool Safety Authority is required for the swimming pools prior to the commencement of the use to the satisfaction of the consent authority. The pool fencing is to comprise either self-closing doors to the living room or frameless glass fencing.
14. Prior to the use/occupation of the development and connection of services (i.e. power and water), the owner of the land must apply for unit/street addressing from the Surveyor-General of the Northern Territory. This will form the legal address and will be required to be placed on the doors and meters within the development in accordance with the allocation. An Certificate of Compliance will not be able to be granted until such time as addressing is obtained.



15. 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.
16. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
17. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
18. All air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
19. 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.
20. All balconies are to be internally drained and discharged 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. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

**NOTES:**

1. This development permit does not grant building approval. You are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing construction works.
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
3. 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.
4. Notwithstanding the approved plans, any proposed works (including landscaping) within the road reserve is subject to approval and shall meet all requirements of the City of Darwin, and at no cost to the City of Darwin.

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 Department of Land Resource Management.
7. Any proposed works which fall within the scope of the *Construction Industry Long Service Leave and Benefits Act* must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
8. You are advised to contact NBN Co prior to commencing construction to determine if your development is in an NBN-eligible area. This will help identify the relevant telecommunication network servicing requirements for the development. To register, please complete the pre-qualification forms located at [www.nbnco.com.au/newdevelopments](http://www.nbnco.com.au/newdevelopments). For more information, please contact the NBN Co New Developments Team on 1800 687 626 or email [newdevelopments@nbnco.com.au](mailto:newdevelopments@nbnco.com.au).
9. The Surveyor-General advises you should immediately make application for unit/street addresses to the Survey and Land Records unit on (08) 8995 5362 ([surveylandrecords@nt.gov.au](mailto:surveylandrecords@nt.gov.au)).

## 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 purpose of Zone MD (Multiple Dwelling Residential) is to provide for a range of housing options to a maximum height of two storeys above ground level. The proposal is consistent with the intended use of the land for multiple dwellings.
2. The application includes a variation to the requirements of Clause 7.1.1 (Residential Density Limitations) as Zone MD allows for a maximum density of 3 (3.6) dwellings at a density of 1 dwelling per 300m<sup>2</sup>, and 4 dwellings are proposed. The purpose of this clause is to ensure that residential development is of a density compatible with the existing and planned provision of reticulated services and community facilities, and is consistent with land capability. The clause also provides that the Authority may consent to a development that is not in accordance with the maximum number of dwellings, if it is satisfied that compliance with

other aspects of this Planning Scheme indicates that the density is appropriate having regard to the purpose of the clause.

The scale of the development, including the height and built form is consistent with that reasonably anticipated in this zone. The development is compatible with the streetscape and surrounding development, and the increased density of 0.4 units is unlikely to be immediately apparent from surrounding sites particularly given setbacks to the front and rear boundaries are exceeded. The Philip Street frontage includes a secondary skillion roof design, frameless glass balustrades, vertical pillars and upper level balconies which contribute to an attractive design when viewed from the street. Although the driveway provides a minimum width of 5.4m when 6m is normally required for two-way driveways, the narrower driveway occurs as a result of the shape of the land, is still expected to provide for functional access given the relatively small number of units (4), and may act as a traffic calming measure for vehicles entering and exiting the site. Although Units 1 & 2 provide smaller private open space areas than Clause 7.5 requires, the Authority considered that the areas provided are adequately sized to provide functional areas for domestic and recreational purposes.

As no comments were received from the Water Services division of the Power and Water Corporation, a condition is included which requires confirmation that the increased density is expected to be consistent to the existing and planned service provision. No land capability issues have been identified.

3. Clause 7.3.1 (Additional Setback Requirements for Residential Buildings Longer than 18m and for Residential Buildings Over 4 Storeys in Height) ensures that residential buildings respond to the potential adverse effects of building massing and visual bulk when viewed from adjoining land and the street. Whilst the additional building setback of 0.5m is not achieved to Unit 2 to the north-west boundary, various architectural treatments have been identified which lessen the overall impact of this façade including horizontal blades and awnings, window openings, the secondary skillion roof design with louvers to the balcony nearby Philip Street, and the inclusion of a planter at the rear balcony which will allow landscaping to soften the elevation. The additional building length is a result of the design of the garage at ground level only.
4. Clause 7.5 (Private Open Space) ensures that each dwelling has private open space that is of an adequate size to provide for domestic purposes, appropriately sited, permeable and open to the sky, and inclusive of areas of deep soil for shade tree planting. Units 3 & 4 respond well to the clause requirements, however variations occur to Units 1 & 2 with Unit 1 achieving a total area of 29m<sup>2</sup>, and Unit 2 achieving a total area of 32m<sup>2</sup> with minimum dimensions of 5m x 4m only. Usually a total area of 45m<sup>2</sup> and minimum dimensions of 5m x 5m is required.

Although not directly contributing towards the open space calculation, Units 1 & 2 each incorporate ground level covered verandahs of 5.5m x 3m which form a logical, sheltered extension between the living areas of the dwelling and provide a connection to the open space and pool area. The confirmation of either self-closing screen doors (in lieu of pool fencing) or otherwise frameless glass pool fencing through condition will ensure the uninterrupted connection between these areas. The inclusion of swimming pools will also enable a higher quality of useable space for future residents. In addition to the ground level areas, each unit includes two upper level balconies of 4.1m x 1.6m and 4m x 3m as an extension to the master bedroom and second living room respectively, and although these balconies do not contribute towards the total provision of open space, they will provide for increased amenity for future residents. Despite these non-compliances, each dwelling provides a useable, functional area for recreation purposes directly accessible from habitable rooms within the dwelling.

A condition is included for confirmation that the pavers/'stepping stones' within the private open space areas are provided within grassed surrounds or another permeable surface as this is required to ensure the proportion of permeable surfaces is achieved. Also, a condition is included for confirmation of screening treatments proposed between the private open space areas of Units 1 & 2 and Units 3 & 4 as the clause requires that private open space areas are screen fenced/fenced and landscaped to a height of 1.8m.

5. Pursuant to Section 51(e) the consent authority must give consideration to any submissions received under Section 50 of the Planning Act, and any other evidence or information received under Section 50, in relation to the development application. The application was publically exhibited for 14 days in accordance with the requirements of the Planning Act with further additional consultation undertaken with submitters following a subsequent amended design.

Also, pursuant to section 51(n) of the *Planning Act*, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated. A total of 2 public submissions were received during the exhibition period. Key concerns raised in the submissions related the potential for overlooking over the rear boundary and subsequent privacy issues for the adjoining property, the likely removal of a large tree on the adjoining property as a result of the development, and the scale and form of the development proposed including limited landscaping and no visitor parking. The authority considered the submissions presented both in writing and at the hearing.

The Authority acknowledges that this determination is likely to alter the previous decision affecting the adjacent land Lot 5693 to the rear by which DP09/0025 identified the retention of tree number '20'. The current proposal is of a scale and built form consistent with the zoning,

and that the location of the tree is sited very close to the boundary of Lot 2219 with overhanging branches. The Authority has included a condition requiring the applicant to undertake a detailed site survey to identify the property boundary to ascertain the extent of any vegetation that can be retained in the instance the rear boundary fence is not currently located on the true property boundary. Further, the Authority noted advice from the submitter that landscaping has been recently planted at Lot 5693 which will mature over coming years and contribute to screening between the existing and proposed uses.

The rear building setback of 3.8m exceeds the minimum usually required of 1.5m. Although the two-storey design includes windows and balconies at the upper level, the balconies are limited to an extension to the master bedroom and are unlikely to be used as the main recreational areas for the dwelling, with the setback to the bedroom window 5.7m from the rear boundary. Windows to the ensuite are provided at 1.5m above the floor level, and to the built in robe are a narrow plane only. Whilst the design may allow for some views, the Authority considered that the building exceeds the minimum setbacks and is not expected to facilitate direct overlooking to the extent that would be unexpected or undue.

Further, on balance the scale of the development, including the height and built form is consistent with that reasonably anticipated in this zone. The development is compatible with the streetscape and surrounding development, and the increased density is unlikely to be immediately apparent from surrounding sites particularly given the development exceeds the required setbacks to the front and rear boundaries. The design as visible from Philip Street includes a secondary skillion roof, frameless glass balustrades, vertical pillars and upper level balconies. The proposal includes a compliant provision of landscaping and car parking as the Planning Scheme requires.

6. Pursuant to Section 51(j) of the *Planning Act*, the consent authority must take into consideration the capability of the land to which the proposed development relates, and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development. Also, pursuant to section 51(m) of the Planning Act, the consent authority must take into account the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose. No land capability issues have been identified for the development, the site is outside the primary and secondary storm surge areas, and is generally flat and capable of accommodating the development. The proposal is very similar to the anticipated density in this location. Conditions on the development permit require submission of a construction management plan, a stormwater management plan, and a dilapidation report as requested by the City of Darwin.

**ACTION:**

Notice of Consent and Development Permit

ITEM 3  
PA2016/0118

APPLICANT

ALTERATIONS AND ADDITIONS TO AN EXISTING HOTEL INCLUDING  
EXTENSION TO FIRST FLOOR DECK AND ALFRESCO DINING IN ROAD RESERVE  
LOT 413 (22) SMITH STREET, TOWN OF DARWIN  
BRAD CUNNINGTON

Mr Brad Cunnington attended.

RESOLVED  
83/16

That, the Development Consent Authority grant a reduction to the parking requirements of clause 6.5.1 (Parking Requirements) under clause 6.5.2 (Reduction in Parking Requirements) of the NT Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 413 (22) Smith Street, Town of Darwin for the purpose of alterations and additions to an existing hotel including extension to first floor deck and alfresco dining in the road reserve, with a requirement for 28 car parking spaces (6 spaces provided on-site) subject to the following conditions:

#### CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation) approved by this permit, 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 generally in accordance with the plans submitted with the application but modified to show:
  - a) any changes to the design that are required pursuant to the Heritage Act;
  - b) any changes to the design to ensure the location of the decks will not affect essential infrastructure within the road reserve to the requirements of the Water Services division of Power and Water or otherwise confirmation the current design is acceptable; and
  - c) swept paths demonstrating bus movements into Smith Street to the requirements of Department of Transport.
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), approval is required by the City of Darwin for the elements of the building that are designed to be constructed or installed over the City of Darwin road reserve, to the satisfaction of the consent authority.
3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a dilapidation report covering infrastructure within the road reserve to the requirements of the City of Darwin, to the satisfaction of the consent authority.
4. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a schematic plan demonstrating the on-site collection of stormwater and its discharge into the underground stormwater drainage system shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority. The plan shall include details of site levels and stormwater drain connection point/s. The plan shall also indicate

how stormwater will be collected on the site and connected to the underground system.

5. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare an Environment and Construction Management Plan (ECMP) to the requirements of the City of Darwin. The ECMP is to address waste management, traffic control, haulage routes, and the use of Council land during construction, 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. 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 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; andto the satisfaction of the consent authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.
9. No fence, hedge, tree or other obstruction exceeding a height of 0.6 m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
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 customers. The gates to the parking area are to be open allowing access to customers of the development at all times that the hotel use is open for trade.
11. Before the occupation of the development starts the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
13. All 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.

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. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building.
16. 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.
17. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority including that no polluted or sediment laden run-off is to be discharged directly or indirectly into City of Darwin drains.
18. 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 development shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.
19. 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.
20. The owner shall:
  - (a) remove disused vehicle and/ or pedestrian crossovers;
  - (b) protect street trees;
  - (c) provide footpaths and verge plantings;
  - (d) collect stormwater and discharge it to the drainage network; and
  - (e) 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.
21. Storage for waste disposal bins is to be provided to the requirements of City of Darwin to the satisfaction of the consent authority.
22. All air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view and from view of neighbouring or nearby developments (or developments reasonably anticipated), located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority. The use of angled louvered slats for screening purposes is acceptable, however the slat screening must be designed with a panel to gap ratio, such that the condenser units are not readily visible from any angle.



23. In the circumstance that a future use approved for the other tenancy on the site (currently approved as a medical clinic):
- is not a use that operates during normal business hours; and/or
  - does not provide at least 22 on-site customer parking spaces that can be accessed by hotel patrons outside of normal business hours (noting that the number of spaces to be provided through a payment in lieu may be less than 22 if some on-site customer parking is still accessible after normal business hours);
- and further:
- where the car parking provided on Lot 7582, Town of Darwin is no longer available or no longer required to be made publicly accessible after normal business hours and on weekends and public holidays, in accordance with section 70(5) of the Planning Act, up to 22 parking bays must be provided through the payment of a monetary contribution to the City of Darwin. The contribution is to be calculated in accordance with the requirements of section 70(6) of the Planning Act.
24. The streets adjoining the site are to be kept clear at all times and all deliveries of goods and materials must occur within the site boundary and not within the road reserve. This includes that all trade vehicles and trailers are housed either on-site or at a site that does not interfere with the free flow of vehicles on Bennett and Smith Streets.
25. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the emission of noise, artificial light, vibration, smell, or waste products.

#### NOTES:

1. The City of Darwin has advised that the request for design approval for the proposed retractable awnings within the road reserve shall be accompanied with written advice from the Heritage Branch of the Department of Lands Planning and the Environment which expressly confirms any extension of the awnings over the footpath is not permitted under the Heritage Act.
2. This development permit does not grant building approval. You are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing construction works.
3. A "Permit to Work Within a Road Reserve" will be required from the City of Darwin before commencement of any work within the road reserve.
4. Professional advice regarding implementation of soil erosion control and dust control measures that may be employed throughout the construction phase of the development is available from Department of Land Resource Management.
5. You are advised to contact NBN Co prior to commencing construction to determine if you development is in an NBN-eligible area. This will help identify the relevant telecommunication network servicing requirements for the development. To register, please complete the pre-qualification forms located

at [www.nbnco.com.au/newdevelopments](http://www.nbnco.com.au/newdevelopments). For more information, please contact the NBN Co New Developments Team on 1800 687 626 or email [newdevelopments@nbnco.com.au](mailto:newdevelopments@nbnco.com.au).

6. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
7. The Environmental Protection Authority publishes Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities should be 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. 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 purpose of Zone CB (Central Business) 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 additions to the existing hotel are consistent with this purpose.

A reduction in the parking requirements for the hotel additions under Clause 6.5.2 (Reduction in Parking Requirements) is considered appropriate having regard to the proposed use and development and the analysis of similar uses contained in the Central Darwin Car Parking Generation and Utilisation Study prepared for the then Department of Lands and Planning in 2010. A reduced generation rate for the use from 16 to 3.4 spaces for every 100m<sup>2</sup> of net floor area is considered appropriate, i.e. 5 spaces where 22 would otherwise have been generated by Clause 6.5.1 for the additions, and is also consistent with the previously approved hotel use.

In addition to the reduction under Clause 6.5.2. A variation of the Clause 6.5.1 requirement to provide the additional required car parking spaces on site is approved on the basis of the following:

- a. There are 23 on-site car parking spaces provided for use by the medical clinic, 20 of which are for medical clinic customers. Provided those spaces continue to be identified as being for medical clinic customers on-site as also being available for after business hours use and weekend use by patrons of the hotel and made available at all times the hotel is in operation (i.e. gates are kept open), then cross usage can continue to be facilitated and allow the efficient use of the existing parking area.

- b. There is a significant pool of underutilised out of business hours car parking located on Crown and within Smith Street and proximate to the hotel. Provided those spaces continue to be provided and a requirement remains for them to be publically accessible after business hours then there will be a sufficient surplus in the locality to provide for the effective operations and demands of the use. Since the original approval, there is no reason to suggest this car parking has changed or is less available to customers of the hotel.

As the opportunity for cross usage on the land will continue to rely on the other tenancy operating during business hours, and as the availability of underutilised out of business hours car parking on Crown land proximate to the hotel cannot be confirmed on an ongoing basis, the condition previously imposed on the approved hotel for a payment in lieu if spaces are no longer available in the future is continued, and also updated to reflect the additional generation created by the deck additions.

2. Pursuant to Section 51(r) of the *Planning Act*, the consent authority must take into consideration any potential impact on heritage values including the heritage significance of a heritage place declared under the *Heritage Act*. Approvals under the *Heritage Act* will ensure that the heritage values on the site are maintained and that the building's heritage requirements can be appropriately managed through conditions on a development permit. Amended plans satisfying any Heritage Act requirements have been requested for the additions.
3. Pursuant to section 51(m) of the *Planning Act*, the consent authority must take into account the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose. Conditions are recommended to ensure bus movements turning into Smith Street from Bennett Street can safely occur without being impacted by the deck and awning additions, and also to ensure the additions will not impact any essential infrastructure within the road reserve. The City of Darwin has requested the approval for the elements of the building within the road reserve, for a dilapidation plan, a stormwater plan, and a construction management plan.

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

**ITEM 4**                      **2 X 3 BEDROOM MULTIPLE DWELLINGS IN A SINGLE STOREY BUILDING**  
**PA2016/0116**           **LOT 11942 (2) PATRICK STREET, TOWN OF NIGHTCLIFF**  
**APPLICANT**           **ASHFORD GROUP PTY LTD**

DAS tabled a full set of amended plans provided by the applicant.

**RESOLVED  
84/16**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 11942 (2) Patrick Street, Town of Nightcliff, for the purpose of 2 x 3 bedroom multiple dwellings in a single storey building, to allow the applicant to provide the following additional information that the authority considers necessary in order to enable the proper consideration of the application:

- additional information and/or amended plans demonstrating further compliance with the requirements of Clause 7.5 (Private Open Space) of the Northern Territory Planning Scheme.

**RESOLVED  
85/16**

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 11942 (2) Patrick Street, Town of Nightcliff, for the purpose of a 2 x 3 bedroom multiple dwellings in a single storey building subject to:

- additional information and/or amended plans demonstrating further compliance with the requirements of Clause 7.5 (Private Open Space) of the Northern Territory Planning Scheme.

**REASON FOR THE DECISION**

1. Pursuant to section 46(4)(b) of the *Planning Act*, the consent authority may defer consideration of a proposal to allow the applicant to provide additional information it considers necessary to enable the proper consideration of the application. The current proposal does not comply with the minimum requirements of Clause 7.5 (Private Open Space) of the Scheme with further information sought to better guide the consent authority's consideration of the requested variation.

**ACTION:** Advice to applicant

**ITEM 5  
PA2015/0795**

**GARAGE ADDITION TO AN EXISTING SINGLE DWELLING WITH A REDUCED  
FRONT SETBACK**

**APPLICANT**

**PORTION 2504 (33) LAKES CRESCENT, HUNDRED OF BAGOT  
PROJECT BUILDING CERTIFIERS PTY LTD**

Mr Craig Harvey (Project Building Certifiers Pty Ltd), Mr Mark McKee (landowner) and Mr Brian Lewins (Shed Boss) attended.

**RESOLVED  
86/16**

That, pursuant to section 53(c) of the *Planning Act*, the Development Consent Authority refuse to consent to the application to develop Portion 2504 (33) Lakes Crescent, Hundred of Bagot, for the purpose of a garage addition to an existing single dwelling with a reduced front setback for the following reasons:

## REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must give consideration to any planning scheme that applies to the land that is the subject of the application.

Lot 2504 (33) Lakes Crescent, Hundred of Bagot is within Zone SD (Single Dwelling Residential) of the NT Planning Scheme. Clause 6.5.1 (Parking Requirements), 7.1 (Residential Density and Height Limitations), 6.11 (Garages and Sheds) and 7.5 (Private Open Space) are applicable to this development with the assessment finding that the proposed garage addition is non-compliant with the requirements of Clause 6.11 (Garages and Sheds).

Having considered the application and additional information submitted, the variation sought in relation to Clause 6.11 (Garages and Sheds) of the NT Planning Scheme is considered inappropriate. The application proposes a garage with a front setback of 2.45m at its closest point instead of the minimum 6m required by the Planning Scheme. Such a significant departure from the minimum standards is considered to negatively impact on the streetscape and is likely to impact on the existing and future amenity of the existing residential area. The application failed to provide adequate justification for the variation sought and the consent authority was unable to identify any additional circumstances that would warrant supporting the application.

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

The City of Darwin, in its capacity as local authority objected to the proposal. Council commented that the structure is out of character with the surrounding area and due to the design of the garage and setback proposed, a second driveway off Lakes Crescent would be required. Council indicated that while no formal application had been lodged for a second driveway to the site, the design would be inconsistent with Council's driveway policy and an approval was unlikely to be granted. Based on this advice, the consent authority noted that it would be difficult to use the garage as designed without offending the Darwin City Council By-laws. As such, the comments provided by Council were considered to further evidence that the design of the garage was inappropriate.

**ACTION:** Notice of Refusal

ITEM 6  
PA2016/0155

**2 X 3 BEDROOM MULTIPLE DWELLINGS AND 85 SERVICED APARTMENTS (75 IN DUAL-KEY CONFIGURATION) AND GROUND LEVEL COMMERCIAL TENANCIES IN A 16 STOREY BUILDING INCLUDING 3 ABOVE-GROUND PARKING LEVELS**

APPLICANT

**LOT 627 (85) MITCHELL STREET, TOWN OF DARWIN  
JUNE D'ROZARIO & ASSOCIATES PTY LTD**

Ms June D'Rozario (June D'Rozario & Associates) attended and tabled a response to the City of Darwin comments.

**RESOLVED  
87/16**

That, the Development Consent Authority vary the requirements of Clauses 6.3.2 (Volumetric Control in Central Darwin), 6.3.3 (Urban Design Requirements in Central Darwin), 6.5.3 (Parking Layout), and 7.5 (Private Open Space) and pursuant to section 53(b) of the *Planning Act*, alter the proposed development and consent to the proposed development as altered to develop Lot 627 (85) Mitchell Street, Town of Darwin for the purpose of 2 x 3 bedroom multiple dwellings and 85 serviced apartments (75 in dual-key configuration) and ground level commercial tenancies in a 16 storey building including 3 above-ground parking levels 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, and must be generally in accordance with the plans submitted with the application but modified to show:
  - a. the extension of the awning across the full length of the site frontage at ground level;
  - b. screening details for the services located towards the rear of the building on level 4 and on the roof. The use of angled louvered slats for screening purposes is acceptable, however the slat screening must be designed with a panel to gap ratio such that the condenser units are not readily visible from any angle;
  - c. further details to ensure views of the above ground car parking are prevented including no breaks between the screening panels used;
  - d. confirmation with line marking, signage or another treatment that the loading bay will provide a vehicle turn around area for vehicles not entering the upper level car park; and
  - e. screening details to ensure appropriate separation between the private open space areas at level 4 either through landscaping, fencing or another treatment.
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), written consent of the land owner of Lot 626 (87) Mitchell Street, Town of Darwin for the extension of the awning within the access easement over the subject land to the satisfaction of the consent authority, unless the plans confirm the extension of the awning is entirely located within the Mitchell Street road reserve.

3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant/developer is to submit correspondence from the Water Services division of the Power and Water Corporation that the service infrastructure locations shown on plan SK101B are acceptable for the development.
4. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), in principle approval is required from the City of Darwin for any works within the road reserve, to the satisfaction of the consent authority.
5. Prior to the endorsement of plans and prior to commencement of works (including site preparation), in principle approval is required for the provision of awnings to the street frontages to the requirements of the City of Darwin and the Power and Water Corporation. The awnings are to be generally in accordance with the submitted plans, and shall not reduce the achievement of active frontages below 70.4% of the total length of the site boundary to the street, to the satisfaction of the consent authority.
6. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), approval is required by the City of Darwin for any element of the building (separate to awnings) that is designed to be constructed or installed over the City of Darwin road reserve, to the satisfaction of the consent authority.
7. 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 underground stormwater drainage system shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority. The plan shall include details of site levels and stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected to the underground system.
8. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a traffic impact assessment report is to be prepared by a suitably qualified traffic engineer with attention to vehicular, pedestrian, cyclist and public transport issues, including swept paths for waste collection vehicles, and identifying any necessary upgrades to the surrounding street network to the requirements of the City of Darwin, to the satisfaction of the consent authority.
9. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a waste management plan to the requirements of the City of Darwin, to the satisfaction of the consent authority.
10. Prior to the commencement of works (including site preparation), the applicant is to prepare an environmental and construction management plan to the requirements of the City of Darwin, to the satisfaction of the consent authority.

The plan is to address construction access, haulage routes, public access, waste management, and the use of Council land during construction.

11. Prior to the commencement of works (including site preparation), the applicant is to prepare a dilapidation report covering infrastructure within the road reserve to the requirements of the City of Darwin, to the satisfaction of the consent authority.

#### **GENERAL CONDITIONS**

12. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
13. Before the use commences the owner must, in accordance with Part 6 of the Planning Act, provide a monetary contribution to the City of Darwin in accordance with the Developer Contribution Plans – Stormwater Drainage Works.
14. All works recommended by the traffic impact assessment are to be completed to the requirements of the City of Darwin, to the satisfaction of the consent authority.
15. The owner of 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 development shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.
16. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement of site is to be created.
17. 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. 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.
18. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.
19. A compliance certificate under the Swimming Pool Safety Act issued by the Swimming Pool Safety Authority is required for the swimming pool prior to the commencement of the development to the satisfaction of the consent authority.



20. Prior to the use/occupation of the development and connection of services (i.e. power and water), the owner of the land must apply for unit/street addressing from the Surveyor-General of the Northern Territory. This will form the legal address and will be required to be placed on the doors and meters within the development in accordance with the allocation. The use of the development cannot commence until such time as addressing is obtained.
21. Confirmation shall be provided to Development Assessment Services (in the form of an email addressed to the Power and Water Corporation) from a suitable qualified professional (being the Licensed Surveyor in most instances) confirming that all new unit title number labels have been correctly installed at the Customer's Metering Panel(s) and water meters (where applicable). Please provide a copy of an email addressed to both [landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au) and [powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au).
22. All balconies are to be internally drained and discharge is to be disposed of at ground level and in a manner consistent with stormwater disposal arrangements for the site to the satisfaction of the consent authority.
23. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the consent authority.
24. All air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view and from view of neighbouring or nearby developments (or developments reasonably anticipated), located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority. The use of angled louvered slats for screening purposes is acceptable, however the slat screening must be designed with a panel to gap ratio, such that the condenser units are not readily visible from any angle.
25. All roof top plant equipment (such as vents and ducting associated with requirements for stairwell pressurisation or other such ventilation purposes or similar) that will be placed on the rooftop of the development shall be appropriately screened, or designed to soften the visual impact of such equipment from view from neighbouring or nearby developments (or developments reasonably anticipated).
26. 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.
27. 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. Detail 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.

28. Before the occupation of the development starts, the areas set aside for the parking of vehicles and access lanes 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
29. 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.
30. 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.
31. 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.
32. 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.
33. 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](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. A "Permit to Work Within a Road Reserve" is required from the City of Darwin before commencement of any work within the road reserve.
3. The Environment Protection Authority of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Authority'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. This development permit does not grant “building approval”. The Building Code of Australia requires that certain structures within 900mm of a boundary meet 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 works.
5. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost of Council.
6. Notwithstanding the approved plans, any proposed works (including landscaping and awnings) within the City of Darwin’s road reserve is subject to approval and shall meet all requirements to the satisfaction of the City of Darwin, at no cost to the relevant agency.
7. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Nomination Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Building should be contact via email ([info@ntbuild.com.au](mailto:info@ntbuild.com.au)) or by phone (08 8936 4070) to determine if the proposed works are subject to the Act.
8. An application must be submitted to the Department of Defence for any cranes used during construction that will infringe on the Defence (Areas Control) Regulations surfaces for Darwin Airport.
9. The Environment Protection Authority advise that during the excavation, the basement may fill with turbid sediment laden stormwater, and there are obligations under section 16 of the Water Act for water to not become polluted. The Department of Health advise that the construction site should as far as practical, be kept free of ponding water during the wet season to prevent creating a public health nuisance for adjacent residents due to biting insects.
10. The Surveyor-General advises you should immediately make application for unit/street addresses to the Survey and Land Records unit on (08) 8995 5362 ([surveylandrecords@nt.gov.au](mailto:surveylandrecords@nt.gov.au)).
11. The City of Darwin advises that prior to occupation, the applicant shall ensure that a building number is displayed in a position clearly visible from the street, and visible against the background on which it is placed.
12. The City of Darwin advise that all street trees shall be protected during construction, and any tree on the footpath which is damaged or removed during construction shall be replaced. A tree protection zone shall be constructed in accordance with the relevant Australian Standards.
13. The City of Darwin advise that if the development involves an excavation that extends below the level of the base of the footings of a building on the

adjoining land, the developer must, at their own expense, protect and support the adjoining property and pedestrians from possible damage or injury, and where necessary, underpin the adjoining premises to prevent any such damage.

14. The Authority noted at the time of determination that the applicant/developer does not have the intention to enter into an agreement with the City of Darwin for alfresco dining within the road reserve, with all alfresco dining areas identified as being contained within the site boundaries. Further consent is likely to be required for use of the road reserve for alfresco dining if proposed in the future.
15. The Authority noted at the time of determination with regard to the size of the balconies proposed under Clause 7.5 (Private Open Space) and the nature of the use of the serviced apartments, that the applicant confirmed no intention to unit title the building in the immediate future.

### 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 Northern Territory Planning Scheme applies and the land is within Zone CB (Central Business). The application proposes a mixed use development comprising commercial uses and multiple dwellings including serviced apartments which is consistent with the primary purpose of Zone CB in providing 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 application varies Clause 6.3.2 (Volumetric Control in Central Darwin) of the Planning Scheme of which the purpose is to ensure that the siting and mass of buildings in Central Darwin promotes a built form that maximises the potential for view corridors to the Darwin harbour, the penetration of daylight and breeze circulation between buildings, the privacy for residents of adjoining properties, and a built form that reasonably anticipates the future development of adjoining sites. At Tier 1 (up to 25m), a 6m setback is required to balconies and windows to habitable rooms, and at Tier 2 (above 25m), a 6m setback is required to all components of the building. Also, the maximum building length at Tier 2 is required to be no more than 75% of the length of the adjacent boundary.

Although a small number of balconies are located within the 6m setback at Tier 1 (level 4), an adequate level of privacy for future residents will be achieved to the south-eastern boundary, as balconies will be screened by a 2.6m extension of the precast boundary wall which will avoid the potential for direct views from any future development on the adjoining land. To the balconies setback 3m from north-western boundary at Tier 1 (level 4), the Authority considers that the existing 5 storey office building at Lot 626 (87) Mitchell Street is likely to remain in the immediate future,

and that the design of this existing building is unlikely to result in direct or undue overlooking for the balconies.

At Tier 2, vertical perforated metal screens/awnings are setback 5.2m to Mitchell Street, 4.8m to the south-eastern boundary and 4.5m to the north-western boundary when 6m is required. This variation to the Tier 2 setbacks affects open feature screens only, which in addition to shading the internal areas of the building also provides architectural interest. Given the building is centrally located within a street block, and also the open nature of the feature screens comprising perforated metal which may still allow some visual permeation at the corners of the building, the features are unlikely to impact on view corridors towards the Darwin harbour from surrounding buildings or future buildings reasonably anticipated. Also, the feature screens will still allow the penetration of breezes between buildings, and will not impact on the penetration of daylight between buildings.

The building length to the north-west and south-east boundaries is assessed as 76.7% of the adjacent boundary length, when Tier 2 should be limited to not more than 75%. The Authority considered that in relation to this additional building length and the siting and mass of the proposed building, the variation is unlikely to be noticeable to any occupant of adjoining buildings by way of views, the penetration of daylight and breeze circulation between buildings, or privacy. The Authority also noted that the height of the building is considerably less than the permissible height of 90m AGL, the built form coverage is less than the permissible ratio of 56%, and the setback to the rear boundary also exceeds the required setback of 6m.

3. Clause 6.3.3 (Urban Design Requirements in Central Darwin) promotes exemplary urban design in Central Darwin. The development varies the minimum requirement of this clause as only 70.4% of the length of the site boundary at ground level is measured as an active street frontage when 75% is required. Despite the non-compliance, the design is considered to respond well to the requirements of this clause, including reducing the extent of visible service provision to the fire service and fire egress only, locating other services towards the rear of the building or in mezzanine levels, and providing a high quality interface for the majority of the built form. The building frontage includes a glass curtain wall to Mitchell Street to maintain visual connection between the building and the adjoining footpath, a sheltered pedestrian entry to the restaurant and lobby plus a sheltered forecourt within the site, alfresco dining, plus a single vehicle entry with drop off movements removed from the street. In determining the level of active frontages, this clause also requires that an application in Central Darwin should, prior to consideration by the consent authority, include acknowledgement in writing from the agency responsible for power and water and fire rescue services that those services have been discussed with a view to minimise their impact on active street frontages. As no comments were received from the Water Services division of the Power and Water Corporation at the time of

determination, a condition precedent is included to ensure the water and fire service connections proposed do not further reduce the provision of active frontages currently approved.

Clause 6.3.3 requires awnings to the full extent of the street frontage. The Authority has requested by condition amended plans that demonstrate a full length awning to the Mitchell Street frontage given the central location of the site along Mitchell Street as one of the major pedestrian routes in Darwin City, noting that the written consent of the land owner of adjacent Lot 626 (87) Mitchell Street, Town of Darwin is also required through condition for the construction of this awning if it is partially located within an access easement.

Clause 6.3.3 requires that buildings integrate plant rooms and service equipment on roof tops. Screening details for the services proposed towards the rear of the building on level 4 and on the roof are required by condition prior to endorsement of plans. Further, the clause requires that car parking areas are screened so that they are not visible from the street or public spaces. Perforated metal screens are identified to the above ground parking levels, however 0.3m breaks between each 1m screen panel were noted and a condition is included to ensure views of car parking through these breaks is prevented.

4. Clause 6.5.3 (Parking Layout) ensures that a car parking area is appropriately designed, constructed and maintained for its intended purpose. Although spaces numbered 10 on level 1, plus 1, 22 and 33 on level 2, and 1, 22 and 35 on level 3 are situated at the end of a row and do not achieve the required 3.5m width, adequate access will be achieved for these spaces as they are located opposite to a driveway ramp to provide additional space for reversing or otherwise driveway width has been widened to 7m. At ground level, although the internal driveway is between 3m and 4.4m wide at minimum, reciprocal 3m access easements are registered over the site plus the adjacent land at Lot 626 (87) Mitchell Street to ensure a 6m driveway is achieved overall with access to both developments (dealing number 639681). The site allows a drop off zone for passengers within the ground level car park, and a condition is imposed for amended plans confirming with line marking or signage that the loading bay will provide a vehicle turn around area for vehicles not entering the upper level car park to ensure this function is visible for vehicle drivers.
5. Clause 7.5 (Private Open Space) ensures that each dwelling has private open space that is of an adequate size to provide for domestic purposes. Multiple dwellings (including serviced apartments) are required to provide 12m<sup>2</sup> of private open space including minimum dimensions of 2.8m x 4m, which is directly accessible from the dwelling and providing a functional extension of the dwelling, and taking into account the location of any private open space or habitable room associated with neighbouring dwellings. Compliant open space is achieved for the serviced apartments on level 4, and the multiple dwellings on level 14,

however the development includes variations to the minimum area and dimension requirements for the 2 bedroom dual-key serviced apartments on levels 5 – 13 with each providing a minimum area from 1.6m<sup>2</sup> to 5.5m<sup>2</sup>, with a width of either 1m or 1.2m. The smaller component of each dual key serviced apartment is noted as providing access to private open space only through the living areas of the larger component.

The Authority considered the information presented by the applicant in relation to the nature of the development and the extent of variations sought, which was that the serviced apartments are intended for visitor accommodation and will be used similarly to hotel or motel suites. Whilst reduced balcony sizes will lessen the overall amenity achieved within each apartment/suite, the Authority considers that size of balconies are adequate to enable an appropriate function and use of space relative to the nature of the accommodation, are reflective of the expectations of future guests, and also allow a choice of suites at various prices depending on visitor demands. Overall the size of the balconies is expected to be adequate to enable an appropriate function given the particular type and size of suites proposed.

Given the size of the smallest balconies at 1.6m<sup>2</sup>, the Authority considered the information presented by the applicant regarding the intended future management of the building, to determine that those suites will be for short term occupation into the future, with the applicant confirming that the site is likely to be developed with a long term lease to a hotel/motel provider. The applicant confirmed that there is no intention to unit title the building in the immediate future and a note has been placed on the permit reflective of this advice. The Authority noted that the intended future use of the suites are presented as being commercial in nature, and the provision of an interconnecting door between each room means that the rooms are unlikely to be used for long term habitation in the future.

6. Pursuant to Section 51(j) of the *Planning Act*, the consent authority must take into consideration the capability of the land to which the proposed development relates and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development. Pursuant to section 51(m) of the *Planning Act*, the consent authority must take into account the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose. No land capability issues were identified during assessment of the application. Conditions precedent on the development permit require consent for the proposed awnings and other features within the road reserve, a construction management plan, a waste management plan, a stormwater management plan, a traffic impact assessment, and a dilapidation report. It is anticipated that these measures, combined with standard conditions relating to the connection and upgrade of utility services and the

provision and treatment of easements, are expected to ensure that the land is developed in accordance with physical capabilities, to address concerns raised by service authorities, and to ensure that utility and infrastructure requirements are appropriately addressed.

The Authority noted advice from the applicant that a traffic impact assessment had previously been provided and approved by the City of Darwin for another larger development on the same site, however considered that changes may have occurred to the surrounding road network with other recent developments approved and/or constructed which may influence the completed traffic assessment. The Authority seeks the advice of the City of Darwin on this matter and has included a condition precedent for a traffic impact assessment alongside the other conditions requested.

The Authority identified that the applicant has indicated a preference to retain the existing solid concrete barrier at the front of the site with the plans demonstrating the upgrading of this barrier through signage, and the Authority has imposed a condition for separate approval for any works within the road reserve to the satisfaction of the City of Darwin.

7. Pursuant to Section 51(n) of the *Planning Act*, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated. The land is zoned to accommodate the proposed mixed use development in that the development is considered to meet the purpose of Zone CB (Central Business) in providing for a diversity of activities including commercial and residential uses, and the overall height and scale of the building. Although variations are proposed to the volumetric controls of Clause 6.3.2, the siting and mass of the built form is expected to be equivalent to that of a compliance building and the building presents a high quality interface and limited service provision to the Mitchell Street frontage. No undue amenity impacts have been identified in determination of the application.
8. Pursuant to Section 51(e) the consent authority must give consideration to any submissions received under section 50, and any other evidence or information received under section 50, in relation to the development application. The application was publicly exhibited for a period of 14 days in accordance with the requirements of the Planning Act with one public submission received, with key concerns relating to the design and lack of landscaping. The Authority considered that the building design features perforated metal screens and feature red fins, with articulation added through these screening features and vertical cladding to the building roof. A landscape plan has been submitted which identifies the use of landscaping at the podium level. Overall the building design is consistent with the scale and form of buildings anticipated in Zone CB.

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



ITEM 7  
PA2016/0138

**ALTERATIONS AND ADDITIONS TO EXISTING LEISURE AND RECREATION  
FACILITY (PARAP POOL)  
LOT 5292 (77) ROSS SMITH AVENUE, TOWN OF DARWIN  
APPLICANT PLANIT CONSULTING**

Pursuant to section 97 of the *Planning Act*, Garry Lambert a member of the Darwin Division of the Development Consent Authority declared a conflict of interest and was not present during and did not take part in any deliberation or decision of the Division in relation to this item.

Pursuant to section 97 of the *Planning Act*, Bob Elix a member of the Darwin Division of the Development Consent Authority declared a conflict of interest and was not present during and did not take part in any deliberation or decision of the Division in relation to this item.

Ms Kat Tatum (Planit Consulting), Mr Luccio Cercarelli (City of Darwin) attended.

Submitters who sent their apologies:- Ms Cathy Bally, Ms Melanie Walker, Mr Keith Phelps and Ms Belinda Hortle.

Submitters and other interested parties in attendance:- Ms Karen Brown (CLP Candidate), Mr John Gibbs (representing owners in Goldsmith Street), Mr Neville Jones, Mr Darryl Manzies (representing other owners), Mrs Alicia Tollner, Mr Robert Wilson (representing submitters who were unable to attend), Mrs Sharon Wilson.

Mr Jones tabled a photograph to show the proposed access from Holtze street through into the pool complex.

**RESOLVED  
88/16**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 5292 (77) Ross Smith Avenue, Town of Darwin for the purpose of alterations and additions to existing leisure and recreation 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:

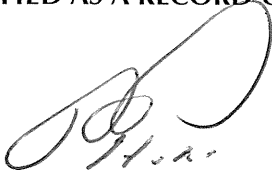
- Further information and/or any amendments to the design that address the potential amenity impacts resulting from the proposed buildings, car parking area and new driveway off Holtze Street and surrounding residential area.

## REASON FOR THE DECISION

1. Pursuant to section 46(4)(b) of the *Planning Act*, the consent authority may defer consideration of a proposal to allow the applicant to provide additional information it considers necessary to enable the proper consideration of the application. Further information regarding the potential amenity impacts of the proposed design is sought to better guide the consent authority's consideration of the proposed development.

**ACTION:** Advice to Applicant

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



**DOUGLAS PHILLIPS**  
Delegate

28/4/16