DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 271 – FRIDAY 4 MARCH 2016

BROLGA ROOM
NOVOTEL DARWIN ATRIUM
100 THE ESPLANADE
DARWIN

MEMBERS PRESENT: Denis Burke (Chairman)(not item 3), Grant Tambling, Ross Baynes, Bob Elix and Garry Lambert

APOLOGIES: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), Sally Graetz, Adelle Godfrey, Ann-Marie Dooley, Amit Magotra and Tim Langford (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nadia Smith and James Whyte (Item 3 only)

Meeting opened at 9.30 am and closed at 10.40 am
ITEM 1

VERANDAH ADDITIONS AND EXTENSIONS TO EXISTING SINGLE DWELLING
WITH REDUCED FRONT SETBACK
PORTION 2584 (23) CARNOSTIE CIRCUIT, HUNDRED OF BAGOT

APPLICANT
RAJEEV DATT SHARMA & RENU SHARMA

Pursuant to section 97(1) of the Planning Act, Garry Lambert, member of the Darwin Division, Development Consent Authority declared a conflict of interest and was not present during or took part in the deliberation or decision of the Division in relation to this item.

Mr Rajeev Datt Sharma (landowner) and Mr Antonio Agostino (Habitat) attended.

RESOLVED

That, the Development Consent Authority vary the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application to develop Lot 2584 (23) Carnoustie Circuit, Hundred of Bagot, for the purpose of verandah additions and extensions to an existing single dwelling with a reduced front setback.

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 and must be generally in accordance with the plans submitted with the application but modified to show:
   (a) details of landscaping proposed within the property and between the street frontage and dwelling that includes species selection that will aid in screening the building from the street and nearby properties and minimise any impact as a result of the reduced building setback.

2. Prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Darwin 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

3. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
4. The development approved through the issue of this permit is not to be used as an Independent Unit (as defined by the NT Planning Scheme) without the further approval of the consent authority, to the satisfaction of the consent authority.

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

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

7. 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 applicant is advised to engage a building certifier, within the meaning of the Building Act, as to whether the building/s comply with the Building Act and associated Regulations.

2. 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.

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

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.

5. 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.

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. A variation to clause 7.3 (Building Setbacks of Residential Buildings) may be supported for the following reason:

- The setback variation relates to the primary street frontage only and all other required setbacks are compliant;
- The unusual site configuration means that any significant extensions to the existing single dwelling on site will likely result in a non-compliance with setback requirements;
- The proposal will not result in overlooking to neighbouring properties or the restriction of prevailing breezes;
- The required landscaping adjacent the front boundary will assist in screening the development from the street and minimising any negative impact caused by the reduced setback; and
- The setback proposed is considered consistent with the existing development pattern within this section of Carnoustie Cct with other examples of reduced setbacks in the immediate area.

2. Pursuant to Section 51(n) of the Planning Act, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated. Condition 3 has been included to ensure current and future residents are aware that no approval to use this space for an independent unit has been granted and that the dwelling must remain as a single household only. The applicant also confirmed that a condition ensuring that the proposed development is not utilised as an independent unit may be included on any permit issued. Any change to the use of the site will require further consideration by the consent authority to ensure that potential amenity impacts can be addressed.

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

**ITEM 2**
**PA2015/0848**
**BUILDINGS**
**LOT 2057 (16) EDEN STREET, TOWN OF DARWIN**
**APPLICANT**
ASHFORD GROUP PTY LTD

Mr Randal Ashford and Ms Natasha Burgess (Ashford Group) attended.

**RESOLVED**
**57/16**
That, the Development Consent Authority vary the requirements of Clause 6.5.3 (Parking Layout), Clause 7.1.1 (Residential Density Limitations), Clause 7.3.1 (Additional Setback Requirements for Residential Buildings longer than 18m and for Residential Buildings Over 4 Storeys in Height) and Clause 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 2057 (16) Eden Street, Town of Darwin for the purpose of 3 x 4 bedroom multiple dwellings in 3 x 2 storey buildings, subject to the following conditions:

**CONDITION PRECEDENT**

1. Prior to the endorsement of plans and prior to commencement of works

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(including site preparation), the applicant must provide advice from the Power and Water Corporation confirming either acceptance or removal or any encroachments within its sewerage easement, to the satisfaction of the consent authority.

2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a landscape plan to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and must be generally in accordance with the landscape concept details shown on the plans submitted with the application but modified to show:
   a. Details of planting within the garden beds either side of the common driveway aisle that includes the provision of a mix of low level shrubs and landscape features that will enable parts of the garden to be driven over.

3. Prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Darwin 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 or alternate approved connection point/s. The plan also indicate how stormwater will be collected on the site and connected underground to Council’s system or an alternate approved connection.

4. 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.

5. Prior to the commencement of works (including site preparation), the applicant is to prepare an Environmental and Construction Management Plan (ECMP) to the requirements of the City of Darwin. The ECMP is to address how construction will be managed on the site, and is to include details of waste management, traffic control and haulage routes, stormwater drainage and the use of City of Darwin land during construction. The ECMP should include details of the location of the crane and any holding areas.

6. Prior to the commencement of works (including site preparation), a waste management plan addressing the City of Darwin’s Waste Management Policy 054 must be prepared, to the requirements of the City of Darwin, to the satisfaction of the consent authority.

GENERAL CONDITIONS

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, sewerage and electricity facilities 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; and

The owner shall:

a) remove disused vehicle and/or pedestrian crossovers;
b) provide footpaths/cycleways; and

c) undertake reinstatement works;

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

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

13. 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.

14. The private open space areas of each dwelling shall be screened on each boundary by:

a) the erection of a solid wall or screen fence not less than 1.8 metres high; or

b) fenced to a height not less than 1.8 metres high and planted with dense vegetation.

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

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. A Compliance Certificate under the *Swimming Pool Safety Act* issued by the Swimming Pool Safety Authority is required for the swimming pool/s prior to the commencement of the use/development 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. 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. 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. The City of Darwin advises that all street trees shall be protected at all times during construction. Any tree on a footpath, which is damaged or removed during construction shall be replaced, to the satisfaction of the General Manager Infrastructure, City of Darwin. A Tree Protection Zone (TPZ) shall be constructed for all existing trees to be retained within the development, in accordance with Australian Standards – AS 4970-2009 Protection of Trees on Development Sites. Copies of AS 4970-2009 Protection of Trees on Development Sites can be obtained from the Australian Standards website.

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 Department of Land Resource Management.

6. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to
determine if the proposed works are subject to the Act.

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the Planning Act, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. The proposal to construct 3 x 4 bedroom multiple dwellings in 3 x 2 storey buildings is consistent with the primary purpose of Zone MD (Multiple Dwellings Residential) which is to provide for a range of housing options to a maximum height of two storeys above ground level. The design is considered to be sympathetic to the style of existing development and development reasonably expected in the future on other surrounding Zone MD allotments.

A variation to the requirements of Clause 7.1.1 (Residential Density Limitations) to allow a density of one dwelling per 292m² instead of the required one per 300m² is appropriate in this instance as the overall design is largely consistent with the standard requirements of the Scheme. These non-compliances identified are not considered to demonstrate that the site is incapable of supporting the development as proposed and none of the comments received from service authorities suggest that the additional dwelling would place an unreasonable additional demand or load on public infrastructure or community services. For these reasons, the proposal is considered to be consistent with the purpose of the clause.

A variation to Clause 7.3.1 to vary the setback requirements to allow unit 2 to be setback 1.5m from the rear boundary is considered acceptable as any building massing and potential for overlooking along the rear boundary will be mitigated by the fencing and landscaping proposed along the southern boundary. In addition, the proposed development includes a number of different materials and the windows, located along the south side of the unit, are staggered and vary in size to alleviate any building massing and limit over looking into adjoining properties.

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, being appropriately sited, permeable and open to the sky, and inclusive of areas of deep soil for shade tree planting. Although not directly contributing towards the open space calculation as these areas are not open to the sky nor permeable, each dwelling incorporates a covered verandah area of 3.3m x 3.4m (unit 1), 6.5m x 2.4m (unit 2) and 6.5m x 2.7m (unit 3), all of which form a logical, sheltered extension to the living areas of each dwelling, and provide a suitable connection to the open space areas. Furthermore, the pool associated with unit 2 is likely to provide a high level of amenity for future occupants. Despite the non-compliance to Clause 7.5, each dwelling is considered to provide a useable, functional area for recreation purposes directly accessible from the dwelling, and providing an appropriate extent of areas which are permeable and open to the sky.
2. Pursuant to Section 51(n) of the Planning Act, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated. The land is zoned to accommodate the proposed development, in that the land is identified for the development of multiple dwellings, and the proposal is largely consistent with the standard requirements of the Scheme including height and building setbacks from the adjoining streets and properties. No undue amenity impacts are anticipated.

ACTION: Notice of Consent and Development Permit

ITEM 3
PA2015/0145

19 X 1, 20 X 2, 31 X 3 & 2 X 4 BEDROOM MULTIPLE DWELLINGS AND 55 X 2 BEDROOM DUAL KEY SERVICED APARTMENTS IN A 20 STOREY BUILDING WITH GROUND LEVEL COMMERCIAL TENANCIES INCLUDING A BOTTLESHOP (WITH DRIVE THROUGH)
LOT 7619 (105) MITCHELL STREET, TOWN OF DARWIN

APPLICANT
JUNE D’ROZARIO & ASSOCIATES PTY LTD

Pursuant to section 97(1) of the Planning Act, Denis Burke, Chairman, Development Consent Authority declared a conflict of interest and was not present during or took part in the deliberation or decision of the Division in relation to this item.

That, pursuant to section 101(3) of the Planning Act, in the Chairman’s absence the members of the Darwin Division of the Development Consent Authority elect Ross Baynes to preside at the hearing of item 3 on Friday 4 March 2016.

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

RESOLVED
58/16

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) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application to develop Lot 7619 (105) Mitchell Street, Town of Darwin for the purpose of 19 x 1, 20 x 2, 31 x 3 & 2 x 4 bedroom multiple dwellings and 55 x 2 bedroom dual-key serviced apartments in a 20 storey building with ground level commercial tenancies including a bottle-shop (with drive through), 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 must be generally in accordance with the plans submitted with the application but modified to show:

(a) labelling to confirm which of the dwellings will be used for serviced apartments;
(b) labelling to confirm that the car parking area will be sealed and drained;
(c) screening to the air conditioning plant equipment. All equipment is to be fully...
screened from within the site and also from surrounding properties. The use of angled louvered slats for screening purposes is acceptable, however the slat screening must be designed with an acceptable panel to gap ratio, such that the condenser units are not readily visible from any angle; and

(d) the extension of the footpath to replace the existing bus bay within the Mitchell Street road reserve to the requirements of the City of Darwin.

2. 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. The awnings are to be generally in accordance with the submitted plans, and shall not reduce the achievement of active frontages below 65.7% of the total length of the site boundary to the street, to the satisfaction of the consent authority.

3. 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.

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 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), 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 and the Department of Transport, to the satisfaction of the consent authority. The traffic impact assessment report is to also address public transport movements past the site during construction and also include any impacts as a result of the relocation of the bus bay within the Mitchell Street road reserve as advised by the City of Darwin.

6. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the design and specifications of the landscaping and footpaths within the road reserve are to be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority.

7. 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.

8. 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.

9. 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

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

11. All works recommended by the traffic impact assessment are to be completed
to the requirements of the City of Darwin and the Department of Transport, to
the satisfaction of the consent authority.

12. 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.

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

14. 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.

15. 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 including the extension of the footpath to replace
the existing bus bay within the Mitchell Street road reserve as required by
condition precedent 1(d);
c. collect stormwater and discharge it to the drainage network;
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.

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

17. A Compliance Certificate under the Swimming Pool Safety Act issued by the
Swimming Pool Safety Authority is required for the swimming pool/s prior to
the commencement of the use/development to the satisfaction of the consent

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authority.

18. Before the use commences, written confirmation from a qualified traffic engineer that the car parking spaces and access lanes associated with the development comply with the relevant Australian Standards for car parking must be provided in instances where the car parking does not comply with the minimum requirements of Clause 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme, 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. 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.

21. 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.

22. 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).

23. 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.

24. 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. 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.

25. 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;

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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.

26. 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.

27. 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.

28. 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.

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

30. Each dual key serviced apartment is to remain within the one unit entity (single ownership/single title) in the event that the development is unit titled.

NOTES:

1. 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.

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 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.

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. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost of Council.
6. 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) or by phone (08 8936 4070) to determine if the proposed works are subject to the Act.

7. 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.

8. 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.

REASONS FOR THE DECISION

1. Pursuant to Section 51(a) of the Planning Act, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. The application proposes a mixed use development comprising commercial uses and multiple dwellings which is consistent with the primary purpose of Zone CB (Central Business) 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 development has a non-compliance with the standards of Clauses 6.3.2 (Volumetric Controls in Central Darwin), where the length of the tower along Daly Street is 31.98m or 79%, instead of a maximum 75% as required. The building is 1.7m longer than a compliant length to this boundary. The special circumstances outlined by the applicant include the design response to the large truncation on the boundary at the intersection of Mitchell Street, which reduced the length of Daly Street due to road widening from 63.75m to the current 40.28m. The building has been designed with a wide radius curved façade at this truncated corner. The degree of variation is considered to be relatively minor and is unlikely to be noticeable when viewed from adjoining or nearby land and by itself is not assessed as being likely to adversely impact on view lines, access to breezes or penetration of sunlight into the site or adjoining land.

3. Clause 6.3.3 (Urban Design Requirements in Central Darwin) is to promote exemplary urban design in Central Darwin. The proposal is assessed as responding well to the requirements of this clause by providing clear glass frontages, a full length awning to both street frontages, screening to car parking areas, and providing alfresco areas and a design that limits service infrastructure along the street frontage. The Clause requires that developments have a minimum of 75% of the street frontage as an ‘active frontage’, however only 65.7% is achieved. The
non-compliance largely occurs as a result of the existing substation located along the Mitchell Street frontage which is required to be marginally lengthened along this frontage to provide for the development. Aside from the substation, most other service infrastructure is located within the building on the mezzanine level. The active frontage achieved is considered the most practical design given the constraints imposed by the existing substation’s layout and location. Overall, the design is considered to balance service infrastructure requirements with the objectives of the Scheme.

4. Clause 6.5.3 (Parking Layout) ensures that a parking area is appropriately designed, constructed and maintained for its intended purpose. The development has non-compliances, including:
   - Although some parts of the aisle widths in the upper level car park achieve only 5.6m when 6m is required, the applicant confirms the parking bays in the vicinity of the aisles are for residential units which are classed as long-stay users and consequently, vehicle turn-over will be low and will minimise the potential for conflict between vehicles. The reduction in width occurs in limited areas only, is unlikely to affect reversing movements from any individual parking bays, and is considered unlikely to diminish the functionality of the aisle. Also, although the driveway does not project 1m beyond all bays at the end of aisles, additional reversing room is achieved due to the design of the driveway adjacent to these bays to allow a vehicle to reverse into the space without excessive manoeuvring. The alternative design is considered acceptable solution as the car parks can still be used conveniently.
   - Two ground level parking bays that front Daly Street achieve a setback of 2.7m when 3m is required, and additionally the setback should be landscaped however a perforated mesh screen is proposed instead. The setback non-compliance is considered minor, with adequate screening to the spaces achieved through another treatment which is consistent with the car park screening treatments used elsewhere in the building design.
   - The development includes 31 bays designated as ‘small car’ bays given their reduced dimensions, which are designed to be compliant with AS2890.1 – Parking facilities: off-street parking. It is considered that the allocation of small car bays can be managed by the body corporate through exclusive use by-laws to match bays with appropriate vehicle types, and that the number of small car bays is likely to be reduced during details design development. Also, the standard bay size is 0.1m smaller in length than the required 5.5m, the majority of aisle widths at the upper levels are 6.2m which would result in a similar outcome to a compliant design. With a condition requiring certification the development complies with AS2890.1, a functional car park design can be achieved.

5. Clause 7.5 (Private Open Space) requires a minimum private open space area of 12m² for multiple dwellings without direct access to ground level, including an area with dimensions of 2.8m x 4m. All dwellings are provided with private open space located on private balconies. The development includes a number of dwellings with non-compliances with the minimum requirements. Overall and despite the non-compliances, all
dwellings are expected to achieve an appropriate shape and dimensions to provide for opportunities for outdoor living:

- In relation to the 2-bedroom dual-key serviced apartments on levels 4 - 16, despite not meeting the minimum dimension requirements, the minimum area is achieved. These units are intended for short-term visitor accommodation and are not expected to be occupied in the same manner as ordinary residential units. The size of the balcony is sufficient to enable a reasonable opportunity for outdoor living, and the proposal includes communal open space and communal leisure facilities that will assist in meeting the needs of occupants.

- With the 1-bedroom multiple dwellings on levels 4 – 6 and the variations to the minimum area requirements, the size of the balconies are proportionate to the dwelling sizes, and enable a reasonable opportunity for outdoor living for a one or two person household. All 1-bedroom dwellings are located on levels 4 – 6 and open out onto communal open space including a landscaped deck and pool area, plus multiple seating areas.

- Units 7 – 8 on levels 7 – 16 are 2 bedroom multiple dwellings where the minimum dimensions are not achieved, however it is considered that the shape and dimensions of the balconies are sufficient to enable outdoor living. A squarish balcony shape may be more flexible, and the small reduction in the long axis is compensated by the increase in the length of the short axis. These units are provided with a second smaller balcony off the main bedroom which increases the area of the private open space for these dwellings to ~17m². Unit 9 is a 3 bedroom multiple dwelling on levels 7 - 16, for which the overall size of the balcony is greater than 25m², well exceeding the overall area requirements, with only a small corner portion of the 2.8m x 4m dimension not provided.

6. The application was initially deferred by the Authority to enable the applicant to provide additional information to clarify various aspects of the proposal and to enable proper consideration. The information requested related to the separation distance between the existing and proposed towers, the awning length to the street frontage, car park screening and dimensions, and confirmation on which dwellings will be used for serviced apartments. The matters of deferral also requested confirmation that the service provision is designed to minimise the impact on active street frontages, clarification of private open space dimensions and additional information on the remaining non-compliances, for further design development of access arrangements with the City of Darwin. Details were requested for the details of any sunshades/awnings, the location of ground level staff/guest facilities, and screening for air conditioning equipment from within the site and from neighbouring developments. All matters are considered to be resolved or will otherwise be addressed by requiring amended plans through condition.

7. 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.

8. Conditions precedent on the development permit require consent for the proposed awnings within the road reserve, a construction management plan, a waste management plan, a stormwater management plan; a traffic impact assessment, and a dilapidation report and details of verge upgrades. 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 verge landscaping and footpath works are required prior to the endorsement of plans given the prominent location of the development in the Darwin CBD. The Authority considered, as part of its determination advice from the City of Darwin that agreement had been reached with the bus provider for the relocation of the bus bay within the Mitchell Street road reserve adjacent to the site, and has included conditions requiring the developer to extend the footpath in this location. In the event the use of the bus bay has not been relocated by the City of Darwin within 6 months of the expected completion of construction of the development, then further consideration of the requirement to extend the footpath will be necessary and the applicant is requested to contact Development Assessment Services in this instance.

9. 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. The development is considered to meet the purpose of Zone CB (Central Business) in that it provides for a diversity of activities including commercial and residential. The non-compliances associated with the proposal are not considered to exacerbate the potential impact on the existing or future amenity of the area as considered against the requirements of the Northern Territory Planning Scheme. The development is consistent with the broader intent of Zone CB including the overall height and scale proposed.

10. Pursuant to Section 51(e) of the Planning Act, 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 further comments also invited following the receipt of additional information received. A total of 2 public submissions were received during the initial exhibition period.
Key concerns raised in submissions related to traffic impacts, amenity impacts, and the size of private open space areas to the dwellings. Overall, it is considered that the development provides an acceptable response to the clauses that are designed to minimise amenity impacts including building heights, building setbacks, and car parking. A comprehensive traffic impact assessment report is required by the City of Darwin for the development. Although variations to the minimum dimensions of private open space areas are proposed, dwellings generally exceed the minimum area requirements and are expected to achieve an appropriate shape and dimensions for outdoor living. Whilst 1 bedroom units also vary the minimum area requirements, the areas provided are proportionate to the size of the dwelling to enable a reasonably opportunity for outdoor living, and also have direct access to communal open space areas at levels 4 – 6 of the building.

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

**ITEM 4**
**PA2016/0065**
**EXTENSION OF TIME**
**UNIT 8115 (PRINCIPLE COMMON PROPERTY) (63) STUART HIGHWAY, TOWN OF DARWIN**
**APPLICANT**
**BRAD CUNNINGTON**

Mr Brad Cunnington attended.

**RESOLVED**
**59/16**
That, pursuant to Section 59(3)(a) of the Planning Act, the Development Consent Authority consent to the application to extend the base period of DP10/0427 for an additional period of 2 years.

**ACTION:** Extension of Time

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

DENIS BURKE
Chairman

9/3/16

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.