



# **DEVELOPMENT CONSENT AUTHORITY**

## **DARWIN DIVISION**

### **MINUTES**

**MEETING No. 305 – FRIDAY 3 NOVEMBER 2017**

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

**MEMBERS PRESENT:** Suzanne Philip (Chair), Doug Phillips and Bob Elix

**APOLOGIES:** Garry Lambert and John Gleeson

**OFFICERS PRESENT:** Margaret Macintyre (Secretary) and Dawn Parkes (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** David Burrow (Planner) and James Whyte

**Meeting opened at 9.45 am and closed at 10.30 am**

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

**ITEM 1**                      **CARPORT ADDITION TO AN EXISTING SINGLE DWELLING WITH**  
**PA2017/0438**              **REDUCED FRONT AND SIDE SETBACKS**  
                                 **LOT 954 (7) VAUGHTON PLACE, TOWN OF NIGHTCLIFF**  
**APPLICANT**              **ONE PLANNING CONSULT**

Mr Israel Kgosiemang (One Planning Consult) and Mr Darrell Higgins (owner) attended.

**RESOLVED**              That, the Development Consent Authority vary the requirements of Clause 7.3  
**199/17**                      (Building Setbacks of Residential Buildings and Ancillary Structures) of the Northern Territory Planning Scheme, and pursuant to Section 53(a) of the *Planning Act*, consent to the application to develop Lot 954 (7) Vaughton Place, Town of Nightcliff for the purpose of a carport addition to an existing single dwelling with reduced front and side setbacks, subject to the following conditions:

#### **CONDITIONS PRECEDENT**

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), evidence demonstrating that the carport is entirely located within the subject site shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority.
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), 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.

#### **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. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
5. 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.

#### **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.

## 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 primary purpose of Zone SD is to provide for low density urban developments. The development is for a carport addition to an existing single dwelling and will not change the residential use of the site.

Provided that the issue of encroachment is addressed and that stormwater is adequately managed on-site, a variation to the front and side setback is supported as, despite being located within close proximity to the front and side boundaries the carport appears relatively unobtrusive given its colour, open-nature, and siting both under a large Banyan Tree and at the end of the Vaughton Place cul-de-sac. Given that the existing side fencing is 'chain-mesh', the erection of the proposed blockwork firewall should assist in approving the amenity on the affected adjoining Lot 955. For these reasons no undue impacts to the amenity of the neighbouring property or streetscape are expected.

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, 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 already developed with a single dwelling development and, as the carport has already been constructed, no land capability issues are expected.

3. 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 carport has existed in its current location for approximately 6 years. Provided that stormwater is adequately managed on-site, it is considered that there will be minimal impacts on the existing and future amenity of the area.

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

ITEM 2  
PA2017/0381

**3 X 2 AND 3 X 1 BEDROOM MULTIPLE DWELLINGS IN A TWO STOREY BUILDING**

APPLICANT

**LOT 2899 (16) CHRISTIE STREET, TOWN OF DARWIN  
ZEST HOMES**

Ms Eaven Coyne (Zest Homes) attended.

**RESOLVED  
200/17**

That, the Development Consent Authority vary the requirements of Clause 7.1.1 (Residential Density Limitations) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 2899 (16) Christie Street, Town of Darwin for the purpose of 3 x 2 and 3 x 1 bedroom multiple dwellings in a two storey building, subject to the following conditions:

**CONDITIONS PRECEDENT**

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - (a) a landscaping plan detailing the existing landscaping to be retained and type of plants to replace any removed landscaping, as well as location and type of all surface finishes of pathways and verandahs proposed within the development boundaries.
2. Prior to the endorsement of plans and commencement of works (including site preparation), the applicant is to prepare a schematic plan demonstrating all stormwater to be collected on the site and discharged underground to Council's stormwater drainage system, to the requirements of City of Darwin and to the satisfaction of the consent authority.
3. Prior to the commencement of works (including site preparation), 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 commencement of works (including site preparation) a Waste Management Plan in accordance with Council's Waste Management Policy is required to be submitted, to the requirements of the City of Darwin, to the satisfaction of the consent authority.
5. Prior to the commencement of works, an Environmental and Construction Management Plan (ECMP) must be prepared to the requirements of the City of Darwin, to the satisfaction of the consent authority. The use must at all times be conducted in accordance with the endorsed plan. The ECMP must include:
  - (a) Waste management;
  - (b) Traffic control;
  - (c) Haulage routes;
  - (d) Stormwater drainage;
  - (e) Use of City of Darwin land; and
  - (f) How this land will be managed during the construction phase.

**GENERAL CONDITIONS**

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

7. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
  8. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
  9. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of 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;
  - 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
10. Before the use or occupation of the development starts, the area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
    - a) constructed;
    - b) properly formed to such levels that they can be used in accordance with the plans;
    - c) surfaced with an all-weather-sealed coat;
    - d) drained;
    - e) line marked to indicate each car space and all access lanes;
    - f) clearly marked to show the direction of traffic along access lanes and driveways;
    - g) to the satisfaction of the consent authority.Car spaces, access lanes and driveways must be kept available for these purposes at all times.
  11. The car parking shown on the endorsed plan must be available at all times for the exclusive use of the occupants of the development and their employees.
  12. 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 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 meters within the development in accordance with the allocation. An Occupancy Permit will not be able to be granted until such time as addressing is obtained.
  13. Before the use/occupation of the development starts the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
  14. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.



15. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
16. Storage for waste bins is to be provided to the requirements of the City of Darwin to the satisfaction of the consent authority
17. All air conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
18. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the consent authority.
19. 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.
20. Appropriate soil erosion, sediment and dust control measures must be effectively implemented throughout the construction stage of the development and all disturbed soil surfaces must be suitably stabilised against erosion at completion of works, to the satisfaction of the consent authority.

#### NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. The 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))
3. 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.
4. 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.
5. 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, an at no cost to the City of Darwin.
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 lodgment 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](mailto:info@ntbuild.com.au)) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.

7. 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).

## 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 (NTPS) applies to the land and the site is within Zone MD (Multiple Dwelling Residential). 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 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 6 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 of the development is appropriate having regard to the purpose of the clause.

Despite the non-compliance with this clause, the development generally achieves a high level of compliance with the performance criteria of the NT Planning Scheme including building setbacks, car parking numbers, parking layout, overall site landscaping and the provision of private open space for each dwelling. In addition, the site is not identified as being within a projected storm surge area or on flood affected land, is not close to any high noise sources (highways, airports, etc.) and no other site constraints have been identified that would render the land incapable of accommodating the proposed density based on the current design. The scale of the proposed development, including the height and built form could be described as reasonably anticipated in this zone and will provide for a greater range of housing options within the area.

Comments have been received from the Power and Water Corporation and no objections to the increased density were identified, subject to the proponent being responsible for the full cost of required service upgrades.



2. Pursuant to Section 51 (m) of the *Planning Act*, the consent authority must consider 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 application was circulated to the relevant authorities and comments received from these authorities are addressed by the inclusion of conditions on the development permit.
3. Pursuant to section 51(n) of the *Planning Act*, the consent authority must take into account the potential impact on the existing and future amenity of the area in which the land is situated. The development proposed is consistent with the primary purpose of Zone MD (Multiple Dwelling Residential) which is to provide for a range of housing options to a maximum height of two storeys above ground level. The design meets the requirements of the NT Planning Scheme except for Clause 7.1.1 (Residential Density Limitations) as discussed above, and complies with on-site vehicle parking requirements and the minimum building setbacks required.

Despite the additional density, an assessment has concluded that, on balance, the scale of the built form is anticipated to be compatible with the streetscape and with any development that may be reasonably anticipated within the locality. The increased density is unlikely to be immediately apparent from Christie Street due to the increased setback (>10.0m) with low height carport structure and 3.0m wide landscape strip along the front boundary. The building bulk towards the Ross Smith Avenue covers only 50% of the site boundary and is considered to minimise any adverse effects of building massing and visual bulk. Further the rear setback proposed for the development is 5m minimum which is well above the requirement of 1.5m to minimise any impact on the adjoining properties.

4. Pursuant to Section 51(e) of the *Planning Act*, the consent authority must take into consideration any public submissions made under section 49, and any evidence or information received under section 50, in relation to the development application. One public submission was received which raised the issue of architectural style and scale of the development not being compatible with the surrounding development and its detrimental effect on the surrounding properties.

In terms of building design it is considered that the various treatments provide a strong level of articulation and contribute to an attractive design when viewed from the street, including a varying roof heights, frameless glass balustrades, for upper level balconies, staircase and corridor. The use of a two storey design enables a more efficient use of the land and reduced building footprint compared to a development of similar density limited to a single storey. The building bulk towards the Ross Smith Avenue covers only 50% of the site boundary and is considered to minimise any adverse effects of building massing and visual bulk. It is also noted that the subject was rezoned from Zone SD to Zone MD earlier in 2014 and the proposed development generally aligns with the objectives of the Scheme and intent of the zone.

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

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**ITEM 3**  
**PA2017/0464**  
**APPLICANT**

**10 X WAREHOUSES IN A SINGLE STOREY BUILDING**  
**PORTIONS 1397, 1398 & 1399 (3, 7 & 13) SWEET STREET, HUNDRED OF**  
**BAGOT**  
**DKJ PROJECTS ARCHITECTURE PTY LTD**

Mr Chris White and Mr Adam Walker (DKJ Projects Architecture Pty Ltd) attended.

**RESOLVED**  
**201/17**

That the Development Consent Authority determine to vary the parking layout requirements pursuant to Clause 6.5.3 (Parking Layout) and landscaping setback requirements pursuant to Clause 9.1.1 (Industrial Setbacks) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Portion 1397 (3) Sweet Street, Portion 1398 (7) Sweet Street, and Portion 1399 (13) Sweet Street, Hundred of Bagot for the development of 10 x warehouses in single 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), a comprehensive Traffic Impact Assessment Report is to be prepared by a suitably traffic engineer to the requirements of Austroads Document Guide to Traffic Management Part 12: Traffic Impacts of Developments, with particular attention to vehicular, pedestrian, cyclist and public transport issues and opportunities. The Traffic Impact Assessment report is to also include swept paths for waste collection vehicles entering and exiting the site, to the requirements of City of Darwin and to the satisfaction of the consent authority.
2. Prior to the commencement of works (including site preparation), a Schematic Plan demonstrating the on-site collection of stormwater and its discharge into the 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 the 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.
3. Prior to the commencement of works (including site preparation), a Waste Management Plan demonstrating waste disposal, storage and removal is to be provided to the requirements of the City of Darwin to the satisfaction of the consent authority.
4. Prior to the commencement of works (including site preparation), the applicant is to prepare an Environmental and Construction Management Plan to the requirements of the City of Darwin, to the satisfaction of the consent authority. The plan is to address waste management, traffic control, haulage routes, storm water drainage, use of City of Darwin land; and how this land will be managed during the construction phase.

#### **GENERAL CONDITIONS**

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

6. All works recommended by the car parking review dated 12 October 2017, prepared by Tonkin Consulting shall be completed to the satisfaction of the consent authority.
7. All works recommended by the Traffic Impact Assessment Report are to be completed to the requirements of the City of Darwin, to the satisfaction of the consent authority.
8. Kerb crossovers and driveways to the site shall be provided and disused crossovers removed, public footpath and cycleways shall be provided, stormwater shall be collected and discharged into City of Darwin's drainage network, and reinstatement works carried out, all of which is to be provided at the applicant's expense and to the requirements and satisfaction of the City of Darwin.
9. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewer, telecommunication and electricity facilities to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
10. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant authority to the satisfaction of the consent authority.
11. Car parking spaces and internal driveways shall meet the requirements of the relevant Australian Standard and be line-marked and sealed with an impervious material.
12. Servicing and loading arrangements to the site shall be restricted to vehicles no more than 12.5m long for tenancy numbers one (1) to nine (9) and 8.8m for tenancy 10.
13. The car parking shown on the endorsed plan(s) must be available at all times for the exclusive use of the occupants of the development and their visitors.
14. The total number of required disabled car parking bays shall be met on site.
15. An Occupancy Permit under the *Building Act* must not be issued until Portions 1397, 1398 and 1399 Hundred of Bagot have been consolidated and a new title issued for the consolidated lot.
16. Storage for waste bins is to be provided to the requirements of the City of Darwin to the satisfaction of the consent authority.
17. The location, design and specifications for proposed and affected crossovers shall be provided at the applicant's expense, to the satisfaction of the General Manager Infrastructure, City of Darwin.
18. Sight lines shall be provided at crossovers to public streets, to the satisfaction of the General Manager Infrastructure, City of Darwin. No fence or tree exceeding 0.6 metres in height shall be planted in front of the sight line.

19. Before the use/occupation of the development starts, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
20. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
21. Designs and specifications for landscaping of the road verges adjacent to the property shall be submitted for approval by City of Darwin and all approved works shall be constructed at the applicant's expense, to the requirements of City of Darwin, to the satisfaction of the consent authority.

**NOTES:**

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (powerdevelopment@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. Waste bin storage and pick-up shall be provided in accordance with City of Darwin Policy Number 54 - Waste Management.
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. 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 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. 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.
6. Any proposed signage for the site shall be subject to a separate assessment in accordance with City of Darwin Policy Number 42 – Outdoor Advertising Signs Code.
7. Any proposed stormwater connections to City of Darwin stormwater system or proposed works on/over City of Darwin property shall be subject to separate application to City of Darwin and shall be carried out to the requirements and satisfaction of the City of Darwin.
8. 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.

9. 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.

## REASONS FOR THE DECISION

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

The proposed development incorporates the construction of 10 x warehouses and showroom sales in a single storey development. The proposal is considered to be generally consistent with the purpose of Zone GI (General Industry) which is to provide for general industry.

2. A variation is recommended under Clause 6.5.3 (Parking Layout) as it is considered appropriate to the design of the parking spaces at the end of and perpendicular to a driveway be either 3.5 metre wide or so that the driveway projects one (1) metre beyond the last parking space, whereby the proposed development does not conform to these requirements. The development proposes an alternate clear space at each end of the parking along one row of the front car park to provide sufficient manoeuvrability in accordance with the requirements of Australian Standards AS2890.1. Whilst the development has provided a minimum of three (3) metre setback along the street frontages, the corners fall short of meeting the three (3) metre requirement. As such, the area between the car parking area and the road also does not meet the minimum landscaping requirement but may be supported due to:

- the variation is requested to accommodate a use that is entirely consistent with the GI zone;
- the variation relates to a minor component of the overall development, being a portion of the street frontage, specifically the truncation corners;
- the proposed car park provides a clear space at each end of the parking along one row of the front car park to provide sufficient space for cars to manoeuvre at each end of the parking aisle in accordance with the requirements of Australian Standards AS2890.1; and
- the development proposes excess on-site car parking spaces.

3. A variation granted under Clause 9.1.1 (Industrial Setbacks) is considered appropriate to the minimum landscape depth of three (3) metres to the street frontages, whereby the north eastern and south eastern boundaries and truncation of the corners falls short of the three (3) metre required:

- the variation is requested to accommodate a use that is entirely consistent with the GI zone;



- the variation relates to a minor component of the overall development, being a portion of the landscape depth to the north eastern boundary of the warehouse/showroom development adjacent to the Reichardt Road crossover and to the south eastern boundary adjacent to the Benison Road crossover;
  - the variation will not be visually imposing from the adjoining lots from Reichardt or Benison Road and/or from prominent locations on the site; and
  - there will be no detriment to the amenity of the immediate or surrounding area.
4. Pursuant to section 51(m) of the *Planning Act*, the consent authority must consider the public utilities or infrastructure provided in the area in which the land is situated, the requirements for public facilities and services to be connected to the land and the requirements, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose.

The application was circulated to the relevant authorities and comments received from these authorities are addressed by the inclusion of conditions on the development permit.

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

The proposed warehouse development is considered a compatible land use with the locality and will provide additional services to the community.

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

**ITEM 4**  
**PA2017/0248**

**APPLICANT**

**CHANGES TO DP15/0769 RESULTING IN 11 X 3 BEDROOM MULTIPLE DWELLINGS IN 5 X 2 AND 1 X 1 STOREY BUILDINGS  
LOT 5688 (23) MIRAMBEENA STREET, TOWN OF DARWIN  
NORTHERN PLANNING CONSULTANTS PTY LTD**

Mr Brad Cunnington (Northern Planning Consultants Pty Ltd), Mr Savvas Savvas (Architect), Mr Michael Milatos and Mr Manoli Tsirogianis attended.

**RESOLVED**  
**202/17**

That the Development Consent Authority determine to vary the height controls of Clause 7.1.2 (Residential Height Limitations) and 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 Lot 05688 (23) Mirambeena Street, Town of Darwin for the development resulting in changes to DP15/0769 resulting in 11 x 3 bedroom multiple dwellings in 5 x 2 storey and 1 x 1 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), an amended section plan showing the natural ground levels to the finish floor level shall be provided. In addition the

elevations shall show the external wall height of each floor plan level and any retaining walls side and the height of any footings.

2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), detailed design drawings of the proposed acoustic wall including structural certification and terminal end treatment details shall be submitted and approved by Transport and Civil Services Division for Road Agency Approval.
3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a detailed landscape plan to the satisfaction of the City of Darwin 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 two copies must be provided. The plan must show:
  - (a) landscape screening on setback areas to adjoining residents;
  - (b) a survey (including botanical names) of all existing vegetation to be retained and/or removed;
  - (c) details of surface finishes of pathways and driveways;
  - (d) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
  - (e) landscaping and planting within all open areas of the site; including landscaping of the road verges adjacent to the property and
  - (f) provision of an in ground irrigation system to all landscaped areas.
4. 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 professional, to the requirements of City of Darwin. The Traffic Impact Assessment report is to include internal traffic movements and swept path diagrams for waste collection vehicles entering and exiting the site, to the requirements of City of Darwin and to the satisfaction of the consent authority.
5. Prior to the commencement of works, the applicant is to prepare a dilapidation report covering infrastructure within the road reserve to the satisfaction of the City of Darwin at no cost to City of Darwin.
6. 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 the 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.
7. Prior to the commencement of works (including site preparation), a Waste Management Plan demonstrating waste disposal, storage and removal is to be provided 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 waste management, traffic control, haulage routes, storm water drainage, use of City of Darwin land; and how this land will be managed during the construction phase.

## GENERAL CONDITIONS

9. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
10. Prior to occupation, the applicant shall ensure that any building numbers are displayed in a position clearly visible from the street. The number must be visible against the background on which it is placed, to the satisfaction and at no cost to City of Darwin.
11. 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.
12. 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.
13. The owner of the land must enter into agreements with the relevant authorities for the provision of power and water supply, sewer, telecommunication and electricity facilities to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
14. The developer shall provide an assessment from a suitably qualified person in accordance with AS3671 "Acoustics - Road Traffic Noise Intrusion – Building Siting and Construction" of the development's present and predicted future exposure to road traffic noise levels, and where required have carried out appropriate noise attenuation measures to the satisfaction of the consent authority.
15. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of City of Darwin, to the satisfaction of the consent authority.
16. The owner shall:
  - (a) remove disused vehicle and/or pedestrian crossovers;
  - (b) provide footpaths/cycleways;
  - (c) collect stormwater and discharge it to the drainage network; and
  - (d) undertake reinstatement works;all to the technical requirements of and at no cost to the City of Darwin, to the satisfaction of the consent authority.
17. 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, to the satisfaction of the City of Darwin.
18. Car parking spaces and internal driveways shall meet the requirements of the relevant Australian Standard and be line-marked and sealed with an impervious material.

19. The car parking shown on the endorsed plan(s) must be available at all times for the exclusive use of the occupants of the development and their visitors.
20. 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.
21. All works recommended by the traffic impact assessment including all road improvements are to be completed to the requirements of the City of Darwin, to the satisfaction of the consent authority.
22. 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.
23. 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.
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, 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.
25. 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.
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. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant authority to the satisfaction of the consent authority.
28. Storage for waste bins is to be provided to the requirements of the City of Darwin to the satisfaction of the consent authority.
29. Soil erosion and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

**NOTES:**

1. Any excavation that extends below the level of the base of the footings of a building on adjoining land, the applicant/developer must, at their own expense:



- protect and support the adjoining property and pedestrians from possible damage or injury from the excavation; and
  - where necessary, underpin the adjoining premises to prevent any such damage.
2. 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.
  3. Any gate over an access to a public road shall be placed on the subject site at least 4.5 metres from the face of the kerb line of the adjoining public road.
  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 THE DECISION

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

The proposed development incorporates the changes to DP15/0769 resulting in 11 x 3 bedroom multiple dwellings in 5 x 2 and 1 x 1 storey buildings. The proposal is considered to be generally consistent with the purpose of Zone MD (Multiple Dwelling) which is to provide for a range of general housing options to a maximum height of two storeys above ground level.

2. A variation is recommended under Clause 7.1.2 (Residential Height Limitations) of the NTPS is considered appropriate to the maximum height level of 8.5 metres whereby the development proposed an increase of 700mm to Unit 2 and 400mm to Unit 3, being a maximum height proposed for Units 2 and 3 are 9.2 and 8.9 metres respectively.

The variation may be supported due to the following:

- the development proposes a maximum of two-storey buildings;
- the non-compliance is relevant only to the portion of the site on the south-western boundary being the affected proposed Units 2 and 3;
- the development is setback 6 metres to avoid encroaching on the existing easement and hence, the bulk and scale of the building is setback from the rear north western boundary and is not considered to adversely impact on the residential outlook to the adjoining lot to the rear; and

- the proposed landscaping shown on the architectural plans indicate landscaping within the easement area and is considered to provide natural screening of the development along the north western boundary to the adjoining lot.
3. A variation is recommended Clause 7.3 (Building Setbacks of Residential Buildings) of the NTPS is considered appropriate to the minimum setback distance of 1.8 metres to building line along the eastern side boundary. The proposed setback to the eastern side boundary proposes 1.5 metre setback to the building line, which falls short of the minimum setback by 0.3 metres.

The variation may be supported due to the following:

- the development complies with the setback requirements along the primary street frontage, north-west and south-west side boundaries, and north-east rear boundary;
  - the non-compliance is only relevant to the portion of the site on the eastern side boundary being the affected proposed Units 10 and 11;
  - the affected portion is 12m of the building length which is less than half of the proposed building length of 28.75 metres which is setback 1.5 metres which ordinarily would comply if the total building length did not exceed 18 metres; and
  - the adjoining land is a service corridor/ bicycle path and is not considered to be a noise sensitive receiver.
4. Pursuant to Section 51(e) of the Planning Act, the consent authority must take into consideration any public submissions made under section 49, and any evidence or information received under section 50, in relation to the development application.

A total of eight public submissions were received with seven submissions objecting and one submission in support of the proposed development. The initial submissions raised concern that the development would have an adverse impact on the surrounding residential amenity due to the height and density. The supporting submission outlined the lack of this type of housing in the area. Revised submissions provided from the second exhibition period were generally neutral and noted the amenity issues have largely been resolved.

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

The application was circulated to the relevant authorities and comments received from these authorities are addressed by the inclusion of conditions on the development permit.

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

The proposed warehouse development is considered a compatible land use with the locality and will provide an increase in the range of housing available within immediate proximity of the Darwin CBD.

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

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



**SUZANNE PHILIP**  
Chair

03 /11/17

