DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 220 – FRIDAY 18 OCTOBER 2013

BROLGA ROOM
NOVOTEL DARWIN ATRIUM
100 THE ESPLANADE
DARWIN

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

APOLOGIES: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), Linda Henning, Steven Conn, Sally Cunningham, Anthony Brernan and Doug Lesh (Session 2 only) (Development Assessment Services)

COUNCIL REPRESENTATIVE: Cindy Robson (Strategic Town Planner) and Drosso Lelekios (Manager, Design, Planning and Projects) (Items 1 and 7)

Meeting opened at 9.45 am and closed at 1.00 pm
Pursuant to section 97 of the Planning Act, Mr Grant Tambling a member of the Darwin Division of the Development Consent Authority declared an interest and was not present and did not take part in the deliberation of this item.

Mr Mark Bell (Bell Gabbit Associates Pty Ltd) attended.

Submitters in attendance: Mr Grant Tambling, Ms Sherry Meakin and Mr Trevor Mills.

RESOLVED

That, the Development Consent Authority vary the requirements of Clause 6.3.2 (Volumetric Control in Central Darwin), 6.3.3 (Urban Design Requirements in Central Darwin), 6.5.1 (Parking Requirements) and 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application to develop Lot 4939 (122) Esplanade, Town of Darwin for the purpose of the addition of 100 rooms to an existing motel, 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 include:
   (a) a detailed roof plan that demonstrates use of non-reflective materials and identifies plant equipment as being centrally located;
   (b) relocation of the bin enclosure to the south-eastern side of the property and located so as to control on-site noises and minimise noise intrusion on adjacent land;
   (c) deletes all reference to ‘possible future expansion’ of the new wings of the motel;
   (d) provision of bicycle parking/storage facilities on the site; and
   (e) treatment of the rear elevations of the new wing additions to reduce reflection and minimise the visual bulk when viewed from adjacent land.

2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a schematic plan demonstrating all stormwater can be collected on the site and discharged to Council’s stormwater drainage system, to the requirements of City of Darwin, to the satisfaction of the consent authority.
3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a Environmental Construction Management Plan (ECMP), to the requirements of the City of Darwin, to the satisfaction of the consent authority. The ECMP is to address how construction will be managed on the site, and is to include details of the haulage of excavated and new materials, traffic management for construction vehicles, fencing and hours of construction.

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.

GENERAL CONDITIONS

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

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

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

8. Before the use 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-seal coat;
   (d) drained;
   (e) line marked to indicate each car space and all access lanes; and
   (f) clearly marked to show the direction of traffic along access lanes and driveways;
     to the satisfaction of the consent authority.
     Car spaces, access lanes and driveways must be kept available for these purposes at all times.

9. 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/guests.

10. Before the use commences the owner must, in accordance with section 70(3) of the Planning Act, provide 128 car parking bays. In accordance with section 70(5) of the Planning Act, 15 of the required parking bays may be provided through the payment of a monetary contribution to the City of Darwin. The contribution is to be calculated in accordance with the requirements of section 70(6) of the Planning Act.
11. Before the use commences the owner must, in accordance with Part 6 of the Planning Act, pay a monetary contribution to the City of Darwin for the upgrade of local stormwater infrastructure, in accordance with its Stormwater Contribution Plan.

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

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

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

15. 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.

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 and/or the Road Networks Division of the Department of Transport, to the satisfaction of the consent authority.

17. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the City of Darwin, to the satisfaction of the consent authority.

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

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

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

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

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

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

4. The Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency’s Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

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

6. Separate approval may be required from the Department of Defence under regulation 10 of the Defence (Areas Control) Regulations (DACR). Until such time as an approval is obtained the applicant is not to construct any structure on the site that exceeds 45m above ground level. Please refer to regulation 8 of the DACR, which outlines the application process and the information required. A copy of the regulation can be obtained at http://www.comlaw.gov.au.

7. The developer is required to contact ‘Dial Before You Dig’ on 1100 to obtain a location of the Telstra Network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.

REASONS FOR THE DECISION

1. The proposal is consistent with the primary purpose of zone CB (Central Business), being “to provide for a diversity of activities including administrative, judicial, professional, office, entertainment, cultural,

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residential, retail and other business activities, with a commitment to the separation of incompatible activities”.

2. A variation to the requirements of clause 6.3.2 (Volumetric Control in Central Darwin) of the Northern Territory Planning Scheme is considered appropriate as despite the constraints caused by the existing building’s layout and shape, the current design is considered to provide an adequate response to the clause requirements and still achieves the intent of the clause by maximising view corridors to Darwin Harbour where possible for the existing developments on adjacent allotments through provision of the increased side and front setbacks and retention of the existing trefoil building shape. A further variation to this clause is required to allow the building façade to cover more than 75% of the adjacent side boundaries. The building façade is measured as covering 49m of the boundary where only 47.8m is permitted. The additional variation is considered appropriate as the non-compliance is assessed as minor given that all other façade lengths of the development achieve compliance and reducing the non-compliant length by 1.2m is not considered to have any greater benefit on adjacent neighbours in terms of what the clause seeks to achieve.

3. A variation to the requirements of Clause 6.3.3 (Urban Design Requirements in Central Darwin) of the Northern Territory Planning Scheme is appropriate as the proposal displays consideration for the requirements of this clause but acknowledges that some requirements of the clause are unachievable given the style and design of the existing development. Given the constraints imposed by the existing development, the application is considered to have provided an adequate response to the requirements of this clause where possible.

4. 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 proposal is for additions to an existing motel development that places constraints on the capability for the proposal to meet the current standard of the Scheme. The development is considered to be suitable for the area and the site and is unlikely to have any significant impact on the amenity of the area. It is acknowledged that the extension of the building toward either side boundary is likely to impact on existing view corridors for some residents of adjacent properties. The proposed motel extension shows consideration for these existing views where possible by providing setbacks in excess to the Scheme’s minimum requirements and through adherence to the maximum building heights for the perimeter area of central Darwin. The re-designed parking layout enables provision of additional parking bays to help cater for the increased demand as a result of the 100 room motel addition and together with the contribution in lieu of the parking shortfall will further ensure no adverse impact on the amenity of the area caused by potential parking shortages.

5. A variation to the on-site provision of parking spaces required under Clause 6.5.1 (Parking Requirements) of the Northern Territory Planning
Scheme is considered appropriate as payment in lieu of the parking shortfall on the site to the City of Darwin will ensure that the parking numbers required by the Scheme will be provided in an alternative location that is publicly accessible and allows ongoing availability of car parking to service the area.

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

<table>
<thead>
<tr>
<th>ITEM 2</th>
<th>ADDITIONS TO EXISTING SINGLE DWELLING WITH REDUCED FRONT AND REAR SETBACKS</th>
</tr>
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<tbody>
<tr>
<td>PA2013/0670</td>
<td>LOT 8738 (1) RANKIN STREET, TOWN OF NIGHTCLIFF</td>
</tr>
<tr>
<td>APPLICANT</td>
<td>BROOKE BOCCAMAZZO</td>
</tr>
</tbody>
</table>

The applicant did not attend.

**RESOLVED**

219/13

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 8738 (1) Rankin Street, Town of Nightcliff for the purpose of additions to the existing single dwelling with reduced front and rear setbacks, subject to the following conditions:

**CONDITION PRECEDENT**

1. Prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Darwin stormwater drainage system shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority. The plan shall include details of site levels and Council’s stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council’s system.

**GENERAL CONDITIONS**

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

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

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

5. All existing landscaping to the site fronting Rankin Street and that is adjacent to the proposed second storey dwelling addition is to be retained where possible or reinstated so as to minimise the visual impact on the streetscape and surrounding area.

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These minutes record persons in attendance at the meeting and the resolutions of the Development Consent Authority on applications before it.

Reliance on these minutes should be limited to exclude uses of an evidentiary nature.
NOTES:

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

2. The 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 between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

3. 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. Lot 8738 is located within Zone SD (Single Dwelling) of the NT Planning Scheme. The purpose of this zone is to provide for single dwellings on individual lots and may include a dependant unit. The proposal is for additions to the single dwelling and will not alter the primary use of the land.

2. A variation to the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme to allow the dwelling additions to encroach into the required front and rear building setbacks is considered appropriate in this instance as, despite the non-compliances the proposal demonstrates consideration for the purpose of the clause by limiting undue overlooking and building massing while also maintaining access to breezes and circulation through and between buildings. The additions make use of existing underutilised parts of the building and minimise unnecessary expansion of the building footprint.

3. Pursuant to Section 51(n) the consent authority must give consideration for the potential impact on the existing and future amenity of the area in which the site is situated. The proposed dwelling additions, though inconsistent with the Scheme’s building setback requirements will allow necessary upgrades to the existing dwelling without contributing to any building massing, change to the character of the street or undue overlooking.

4. The City of Darwin, as sole authority responsible for stormwater drainage under the Local Government Act and associated bylaws, has requested the inclusion of a condition requiring submission of a schematic
stormwater plan for the development. As per Council's request, a condition precedent requiring submission of this plan has been included.

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

**ITEM 3**
PA2013/0594
**APPLICANT** JULIE FRASER & LLOYD PUMPA

The applicants sent their apologies.

**RESOLVED**
219/13

That, the Development Consent Authority vary the requirements of Clause 7.1 (Residential Height Limitations) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application to develop Lot 1609 (26) Carrington Street, Town of Nightcliff for the purpose of a two storey single dwelling exceeding 8.5m in height, subject to the following conditions:

**CONDITION PRECEDENT**

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

2. Before the development starts, 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 two copies must be provided. The plan must show:
   (a) a survey of existing vegetation to be retained and/or removed;
   (b) a planting schedule of all proposed trees, shrubs and ground covers, including sizes at maturity and quantities of each plant;
   All species selected must be to the satisfaction of the consent authority.

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

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

NOTES:

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

2. The Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency's Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

3. 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. Lot 1609 is located within Zone SD (Single Dwelling) of the NT Planning Scheme. The purpose of this zone is to provide for single dwellings on individual lots. The proposal is to replace an elevated single dwelling with another elevated single dwelling and will not alter the primary use of the land.

2. A variation to Clause 7.1.2 (Residential Height Limitations) to allow the new dwelling to be constructed with a height of 9.2m instead of the permitted 8.5m is considered appropriate in this instances as:
   - The proposal has demonstrated that it will be consistent with the style and character of the existing development in Carrington Street. All adjoining properties are developed similarly with two storey elevated dwellings and dwellings of a similar scale. The design of the new dwelling retains the existing front building setback which will further ensure the existing character and streetscape is maintained;
   - The proposal shows considerable merit in providing a design that suits its tropical setting and is also considerate of privacy of adjacent neighbours. Windows are minimised where possible on the west and east elevations to further limit opportunities for undue overlooking into adjoining properties.
   - Dense tropical vegetation surrounds the property and will be retained where possible as part of the development of the site. This vegetation...
already conceals the existing dwellings and a similar level of screening is expected once the new dwelling is complete.

- The sections of the building that exceed the 8.5m height restriction are limited to roof space only. The impact and bulk of the over-height sections are reduced due to the pitch of the roof and design incorporating lower roof sections to break-up the roof structure into smaller parts and visually balance the design.
- The site is located in the secondary storm surge area which means that part or all of the site may be affected by flood waters during a severe storm. The elevated ground floor addresses this issue by ensuring safety of residents and minimising potential risk/damage to the property during future surge events. This together with the overall merits of the design, minimal impact that the pitched roof will have on neighbours and the other reasons provided above are considered to demonstrate that the development is compatible with adjoining or nearby existing development or development reasonably anticipated, and does not unduly overlook adjoining properties.

3. Pursuant to Section 51(n) the consent authority must give consideration for the potential impact on the existing and future impact of the area in which the site is situated. The proposed dwelling, though inconsistent with the maximum height limit of the NT Planning Scheme, is considered to be generally consistent with the style and scale of dwellings already developed in Carrington Street and the surrounding area. The design has shown regard for privacy of neighbouring properties by limiting windows and balconies on the east and western elevations where possible and retention of the dense existing vegetation to further lessen the potential for any undue overlooking.

4. Pursuant to section 51(h) the consent authority must take into account the merits of the proposed development as demonstrated in the application. The proposal is of a high quality design that addresses the site’s tropical setting. The dwelling includes appropriate orientation, open plan living areas, large verandahs, high ceilings and frequent windows to facilitate good airflow and cross ventilation. These design features will improve the thermal comfort for residents and reduce reliance on active climate control measures such as air conditioning.

5. The City of Darwin, as sole authority responsible for stormwater drainage under the Local Government Act and associated bylaws, has requested the inclusion of a condition requiring submission of a schematic stormwater plan for the development. As per Council’s request, a condition precedent requiring submission of this plan has been included.

ACTION: Notice of Consent and Development Permit
Mr John (Clinton) Brisk (Airborne Solutions) attended on behalf of the applicant.

Mr Brisk tabled noise testing, (Quick time files):-
- Approach and land from 30 metres;
- Departing helicopter at 25 metres;
- Start taxi depart from hangar doors;
- Test from car dealership; and
- A statement of the noise impact from the car dealership (pdf).

Submitter:- Mr Bruce Sampson sent his apologies.

Submitter:- Jayrow Helicopters - Mr Adam Tessman attended on their behalf.

RESOLVED
220/13

That the Development Consent Authority vary the requirements of clause 6.5.1 (Parking Requirements) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application as submitted to use and develop Section 3402 (557) Stuart Highway, Hundred of Bagot for the purposes of a passenger terminal (heliport), subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawing numbered 2013/0666/01, endorsed as forming part of this permit.

2. 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.

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

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

5. External materials/ finishes must be non reflective, and external lighting must be designed, baffled and located so as to prevent any adverse effect on the operations of the RAAF Base Darwin/ Darwin International Airport, to the satisfaction of the consent authority.
6. The site is to be kept clean of rubbish and any storage of waste is to be managed at all times in a manner so as to not attract birds or bats, 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 the Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the servicing requirements of the Corporation, and the need for upgrading of on-site and/or surrounding infrastructure.

2. All airspace operations from the site will remain subject to the control of the Department of Defence’s air traffic control at the Darwin International Airport.

3. Darwin International Airport advises that separate requests for assessment and approval must be submitted to Darwin International Airport and the Department of Defence for any cranes used during construction that will infringe on either the Obstacle Limitation Surfaces (OLS) or Procedures for Air Navigation Services – Operations (PANS-OPS) surfaces for Darwin Airport.

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


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

7. It is advised that any works within the Stuart Highway road reserve will require a ‘Permit to work within a road reserve’, prior to the commencement of any works, from the Department of Infrastructure.

8. Any proposed works within, or impacting upon, the Stuart Highway road reserve, including advertising signage (either temporary or permanent) and including the provision of services, shall be in accordance with the standards and specifications of the Department of Transport.

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

1. The proposal is consistent with the primary purpose of zone CP (Community Purposes), being, to “Provide for community services and facilities, whether publicly or privately owned or operated, including facilities for civic and government administration”. The use is not in proximity to any zoned residential areas, and, giving consideration to the existing aviation museum on the site, and adjacent airport land, it is considered to be compatible to its locality and not to result in any undue amenity impacts.

2. A reduction to the requirements of clause 6.5.1 (Parking Requirements) of the Northern Territory Planning Scheme is supported under clause 6.5.2 (Reduction in Parking Requirements) as there is sufficient off-street carparking available on the site and the use is expected to generate a low level of parking, which can easily be accommodated by existing parking. The use satisfies the purpose of clause 6.5.1, being “To ensure that sufficient off-street carparking, constructed to a standard and conveniently located, is provided to service the proposed use of a site”.

3. It is necessary the site is kept clean of rubbish and any waste which is stored on the site is to be covered at all times to ensure that the development is in accordance with subclause 5 of clause 6.9 (Land in Proximity to Airports) which states that the “Use or development of land is not to be of a nature that attracts birds or bats to an extent that prejudices the safe operation of an airport”. In line with the purpose of clause 6.9, the use is not considered to result in undue amenity impacts on people working or residing in its vicinity, shall not prejudice the safety or efficiency of the airport, and shall not intrude on the non-urban character of the land”.

ACTION: Notice of Consent and Development Permit

ITEM 5
PA2013/0675
APPLICANT ASHFORD GROUP

2 x 4 BEDROOM MULTIPLE DWELLINGS IN A SINGLE STOREY BUILDING
LOT 10587 (15) NEWMARCH STREET, TOWN OF NIGHTCLIFF

Mr Randal Ashford (Ashford Group) attended.

RESOLVED 221/13
That, the Development Consent Authority vary the requirements of clause 7.3.1 (Additional Setback Requirements for Residential Buildings longer than 18 meters and for Residential Buildings Over 4 Storeys in Height) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application to develop Lot 10587 (15) Newmarch St, Town of Nightcliff for the purpose of 2 x 4 bedroom multiple dwellings in a single storey buildings, subject to the following conditions:

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GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings numbered 2013/0675/1 through to 2013/0675/9, endorsed as forming part of this permit.

2. 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.

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

4. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of, and be at no cost to the City of Darwin, to the satisfaction of the consent authority.

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

6. 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.

7. 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.

8. 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.

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

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

11. Soil erosion and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
12. No polluted and/or sediment laden run-off is to be discharged directly or indirectly to City of Darwin drains or to any watercourse.

NOTES:

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

2. The Power and Water Corporation advises that:
   - Payment is to be made in accordance with PAWC’s ‘water and sewerage services extension policy’ (WASSEP) prior to the receipt of development clearance from PAWC.
   - The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and the Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the servicing requirements of the Corporation, and the need for upgrading of on-site and/or surrounding infrastructure.

3. The Department of Lands, Planning and the Environment’s ‘Environment Protection Agency’ advises that construction work should be conducted in accordance with the Department’s Noise guidelines for development sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

4. The developer is to contact Telstra via the following website prior to any work commencing to facilitate the installation of the Telstra network: http://www.telstrasmartcommunity.com/, and is to register the development with NBN Co at http://www.nbnco.com.au/getting-connected/new-developments.html.

REASONS FOR THE DECISION

1. The development accords with the purpose of Zone SD23 (Specific Use No. 23 – Darwin). It is for the development of a lot within stage 1B of the Muirhead subdivision, facilitating the use and development of this land by providing “housing choice through a range of lot sizes and housing types”.

2. As a site identified for multiple dwelling purposes, subject to assessment against the relevant clauses for a site zoned MD (Multiple Dwelling Residential), it can be seen to suit the purpose of Zone MD (Multiple Dwelling Residential), by providing “a housing option to a height of two storeys above ground level” and being of a “scale, character and architectural style” that is “compatible with the streetscape and surrounding development”.

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3. A variation to the requirements of clause 7.3.1 (Additional Setback Requirements for Residential Buildings longer than 18 meters and for Residential Buildings Over 4 Storeys in Height) of the Northern Territory Planning Scheme is acceptable as the rear facade is well articulated, with a large recess area for the drying court and the use of varied materials and features which all act to ‘break-up’ the massing of this side of the building. The design is considered to minimise the building massing and visual bulk when viewed from the adjoining land and a variation to the requirements of Clause 7.3.1 is considered acceptable in this instance.

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

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**ITEM 6**

**PA2012/0954**

**48 MOTEL SUITES AND A RESTAURANT IN A 4 STOREY BUILDING (INCLUDING THE EXISTING BUILDING) WITH GROUND LEVEL CAR PARKING LOT 4361 (95) WOODS STREET, TOWN OF DARWIN**

**APPLICANT**

VILLIS ARCHITECTS PTY LTD

Mr Peter Villis (Villis Architects Pty Ltd) attended.

**RESOLVED**

222/13

That, the Development Consent Authority vary the requirements of clause 6.3.3 (Urban Design Requirements in Central Darwin), clause 6.5.1 (Parking Requirements) and clause 6.5.3 (Parking Layout) of the NT Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application to develop Lot 4361 (95) Woods Street, Town of Darwin for the purpose of 52 motel suites and a restaurant in a 5 storey building (including the existing building) with ground level car parking, subject to the following conditions:

**CONDITIONS PRECEDENT**

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a schematic stormwater management plan demonstrating the on-site collection of stormwater to the requirements of City of Darwin and/or the Department of Transport as the case may be to the satisfaction of the consent authority.

2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare an Environmental Construction Management Plan (ECMP), to the requirements of the City of Darwin, to the satisfaction of the consent authority. The ECMP is to address how construction will be managed on the site, and should specifically address waste management, traffic control, haulage routes, stormwater drainage, and the use of City of Darwin Land during construction.

3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a waste management plan addressing 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.
4. 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.

GENERAL CONDITIONS

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

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

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

8. Before the use commences the owner must, in accordance with section 70(3) of the Planning Act provide 28 parking bays. In accordance with section 70(5) of the Act, 3 of the required parking bays may be provided through either:

- the payment of a monetary contribution to the City of Darwin. The contribution is to be calculated in accordance with the requirements of section 70(6) of the Act; or
- the payment of a monetary contribution to the City of Darwin pursuant to the Local Government (Darwin Parking Local Rate) regulations.

To the satisfaction of City of Darwin.

9. Before the use / occupation of the development starts, all works identified within the Traffic Impact Assessment and any other works as required by City of Darwin are to be undertaken to the requirements of, and at no cost to, City of Darwin, to the satisfaction of the consent authority.

10. The use and development as shown on the endorsed plans must not be altered without the further consent of the consent authority.

11. The owner shall:
   (e) remove disused vehicle and/ or pedestrian crossovers;
   (a) provide footpaths/cycleways;
   (b) collect stormwater and discharge it to the drainage network; and
   (c) undertake reinstatement works;
   all to the technical requirements of and at no cost to the City of Darwin and to the satisfaction of the consent authority.
12. Before the use or occupation of the development starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
   (a) constructed;
   (b) properly formed to such levels that they can be used in accordance with the plans;
   (c) surfaced with an all-weather-seal coat;
   (d) drained;
   (e) line marked to indicate each car space and all access lanes; and
   (f) clearly marked to show the direction of traffic along access lanes and driveways;
   to the satisfaction of the consent authority.
   Car spaces, access lanes and driveways must be kept available for these purposes at all times.

13. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of, and be at no cost to the City of Darwin, to the satisfaction of the consent authority.

14. 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.

15. The loading and unloading of goods from vehicles must only be carried out on the land.

16. No goods are to be stored or left exposed outside the buildings so as to be visible from any public street.

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

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

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

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

21. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the consent authority.

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

23. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the consent authority.

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

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

NOTES:

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

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

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

4. The developer is required to contact ‘Dial Before You Dig’ on 1100 to obtain a location of the Telstra Network and arrange for relocation if required. The Telstar contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.

REASONS FOR THE DECISION

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

2. A variation to the requirements of clause 6.3.3 (Urban Design Requirements in Central Darwin) is acceptable as the areas of non-compliance are either minor or impractical to achieve given the location of the site and the retention of the existing building. Conditions are included in the development permit requiring the submission of a landscaping plan to the requirements of the consent authority, as well as a condition requiring the services infrastructure to be appropriately
screened to soften the visual impact of such infrastructure on the streetscape.

3. A variation to the on-site provision of parking spaces required under clause 6.5.1 (Parking Requirements) of the Northern Territory Planning Scheme is supported as a payment in lieu to the Darwin City Council for 3 spaces will ensure that parking will be made available in the locality in the long term, and as the provision of parking in a publicly accessible centralised pool promotes land use efficiency and improves availability of parking to the full community.

4. A variation to the requirements of clause 6.5.3 (Parking Layout) is acceptable as the non-compliance is minor and the building being retained is an existing situation and not reasonably or conveniently able to be rectified. The amended car parking arrangements are supported by the traffic and parking report dated March 2013.

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

**ITEM 7**

**PA2013/0685**

**ADDITIONS TO AN EXISTING TEMPORARY SHORT TERM, SHORT STAY ACCOMMODATION VILLAGE (STAGES 4, 5 & 6) COMPRISING 272 ROOMS AND EXTENSIONS TO KITCHEN/DINING FACILITIES SECTION 4445 (55) BATTEN ROAD, HUNDRED OF BAGOT**

**APPLICANT**

AUSCO MODULAR PTY LTD

DAS tabled revised comments from City of Darwin and an amended landscaping plan.

Mr Myke Cavanagh (Ausco Modular Pty Ltd) attended.

**RESOLVED**

**223/13**

That, pursuant to section 46(4)(b) of the Planning Act, the Development Consent Authority defer consideration of the application to develop Section 4445 (55) Batten Road, Hundred of Bagot for the purpose of additions to an existing temporary short term, short stay accommodation village comprising 272 rooms, extensions to kitchen/dining facilities and a car parking area in 3 stages (Stages 4, 5, 6) to require the applicant to provide the following additional information that the authority considers necessary:

- Additional information is required demonstrating how the proposed development complies with the provision of subclause 9 of Zone SD39 (Specific Use Darwin No.39) which relates to the design and positioning of any open communal space.

**REASONS FOR THE DECISION**

1. Clause 9 of Zone SD39 (Specific Use Darwin No. 39) indicates amongst other things that the design and positioning of any communal open space is to have regard for:
   - the overall population density of the site;
the type of activities provided for and the hours of operation of communal facilities;
the provision of landscaping and shade; and
the functionality, useability and accessibility of the space.

2. The plans provided are not considered to demonstrate adequate information in relation to how the proposal meets these requirements. In particular it is noted that there does not appear to be any landscaping or covered walkways between accommodation units and open space areas. There also does not appear to be clear and legible access ways with landscaping or otherwise to encourage and facilitate convenient accessibility to and from communal open space areas. The distance between accommodation units and open space areas is significant, and specifically needs to be addressed in relation to units within the central area of the development. The open space areas themselves also do not appear to provide sufficient landscaping capable of providing shade and adequate amenity for future users of the facility.

**ACTION:**
Adv ice to Applicant

**ITEM 8**
**PA2013/0538**
9 X 1 BEDROOM, 312 X 2 BEDROOM AND 1 X 3 BEDROOM MULTIPLE DWELLINGS IN A 28 STOREY BUILDING INCLUDING CAR PARKING ON THE GROUND, FIRST, SECOND, THIRD AND FOURTH LEVELS AND 1 X LEVEL OF BASEMENT CARPARKING
LOT 1622 (4) CAREY STREET, TOWN OF DARWIN

**APPLICANT**
CAREY STREET PTY LTD

Pursuant to section 97 of the *Planning Act*, Mr Peter McQueen, Chairman, Development Consent Authority declared an interest and was not present and did not take part in any deliberation of this item.

Pursuant to section 101(3) the members of the Darwin Division of the Development Consent Authority elect Mr Grant Tambling to be the presiding member for this item.

Mr Bernie O’Connell (Carey Street Pty Ltd), Mr Simon Dyer (Architect) and Mr John Lenz (observing) attended.

**RESOLVED**
**224/13**
That, the Development Consent Authority vary the requirements of clauses 6.3.2 (Volumetric Control in Central Darwin) and 6.3.3 (Urban Design Requirements in Central Darwin) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 1622 (4) Carey Street, Town of Darwin for the purpose of 9 x 1 bedroom, 312 x 2 bedroom and 1 x 3 bedroom multiple dwellings in a 28 storey building including carparking on the ground, first, second, third and fourth levels and 1 x level of basement carparking, subject to the following conditions:
CONDITIONS PRECEDENT

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

2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a traffic impact assessment report prepared in accordance with the Austroads document ‘Guide to Traffic Management Part 12: Traffic Impacts of Developments’. The report must outline changes that will be required to the surrounding road network and address vehicular, pedestrian, cyclist and public transport issues and opportunities, and is to include swept paths for waste collection vehicles entering and exiting the site, giving consideration to on-street parking on Peary Street. The report is to be to the approval of the City of Darwin, to the satisfaction of the consent authority.

3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare an Environmental Construction Management Plan (ECMP), to the requirements of the City of Darwin, to the satisfaction of the consent authority. The ECMP is to address how construction will be managed on the site, and is to include details of the haulage of excavated and new materials, traffic management for construction vehicles, fencing and hours of construction.

4. Prior to the endorsement of plans and prior to commencement of works (including site preparation), the applicant is to submit amended plans showing louvres, or other similar openings, to the end of all foyer levels at the westernmost end of the building, to the satisfaction of the consent authority.

GENERAL CONDITIONS

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

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

7. All noise attenuation works deemed necessary for the development to comply with Australian Standard AS 3671 ‘Road traffic noise intrusion – Building siting and design’ are to be completed prior to issue of an Occupancy Permit under the Building Act.

8. All works recommended by the Traffic Impact Assessment report are to be completed to the requirements of the City of Darwin, to the satisfaction of the consent authority.
9. 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. Any easements required for the reticulation of water supply, drainage, sewerage facilities, electricity or telecommunication services shall be provided in accordance with the relevant authority's requirements and applicable legislation at the time, at no cost to those authorities.

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

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

13. 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.

14. Before the use or occupation of the development starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
   (a) constructed;
   (b) drained;
   (c) line marked to indicate each car space and all access lanes; and
   (d) clearly marked to show the direction of traffic along access lanes and driveways;
   to the satisfaction of the consent authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.

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

16. No polluted and/or sediment laden run-off is to be discharged directly or indirectly onto adjacent land, roadways and stormwater drainage systems.

17. 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.
18. 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.

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. 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:
   - Payment is to be made in accordance with PAWC’s ‘water and sewerage services extension policy’ (WASSEP) prior to the receipt of development clearance from PAWC.
   - The Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and the Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the servicing requirements of the Corporation, and the need for upgrading of on-site and/or surrounding infrastructure.

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

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

4. The Department of Lands, Planning and the Environment’s ‘Environment Protection Agency’ advises that construction work should be conducted in accordance with the Department’s Noise guidelines for development sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

5. Approval must be submitted to the Department of Defence for any cranes used during construction that will infringe on either the Obstacle Limitation Surfaces (OLS) or Procedures for Air Navigation – Operations (PAN-OPS) surfaces for Darwin Airport.
6. The Department of Defence has advised that separate approval is required from the Department of Defence under regulation 10 of the Defence (Areas Control) Regulations (DACR). Until such time as an approval is obtained the applicant is not to construct any structure on the site that exceeds 45m above ground level. Please refer to regulation 8 of the DACR, which outlines the application process and the information required. A copy of the regulation can be obtained at http://www.comlaw.gov.au.

7. Any services or connections within the Tiger Brennan Drive road reserve are subject to approval from the Department of Transport.

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

9. It is advised that any works within the Tiger Brennan Drive road reserve will require a ‘Permit to work within a road reserve’ from the Department of Infrastructure.

10. The developer is to contact Telstra via the following website prior to any work commencing to facilitate the installation of the Telstra network: http://www.telstrasmartcommunity.com/, and is to register the development with NBN Co at http://www.nbnco.com.au/getting-connected/new-developments.html.

11. The developer is required to contact ‘Dial Before You Dig’ on 1100 to obtain a location of the Telstra Network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.

**REASONS FOR THE DECISION**

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

2. A variation to the requirements of clause 6.3.2 (Volumetric Control in Central Darwin) of the Northern Territory Planning Scheme is supported as the intrusion of the balcony for one of the two bedroom units on each of levels 8 – 26 into the 6m setback will have no real impact on views that may be available to future developments on the site to the rear, which is zoned CB, but is very constrained in nature by its wedge shape, with low development potential. The level of the land quickly drops off, towards Tiger Brennan Drive to the southeast, further limiting the potential for an impact to the affected adjoining allotment. The balconies mentioned are in line with the purpose of this clause, maximising views to Darwin harbour, improving availability to breezes and daylights, while
not resulting in detrimental amenity outcomes to surrounding sites through over looking or other concerns.

3. A variation to the requirements of clause 6.3.2 (Volumetric Control in Central Darwin) of the Northern Territory Planning Scheme is supported as the non-compliance against the dimensional control listed in the diagram to clause 6.3.2, special circumstances, as per clause 2.5 (Exercise of Discretion by the Consent Authority) could be seen to result from the site’s slightly irregular shape, the minor nature of the non-compliance and the lack of any impact on the purpose of this clause, being, “To ensure that the siting and mass of buildings within central Darwin promote a built form that maximises the potential for view corridors to Darwin harbour, the penetration of daylight, and breeze circulation between buildings, and promotes privacy for residents of adjoining properties”.

4. A variation to the requirements of clause 6.3.3 (Urban Design Requirements in Central Darwin) of the Northern Territory Planning Scheme is supported. The non-compliance against subclauses 4(a) and 5 are seen as acceptable in the context of the site being separated from the majority of the Darwin CBD by McMinn Street and there being no through access to the north, meaning that the potential for pedestrian thoroughfare is genuinely limited. Although parking spaces are provided at ground level, none will be visible from the street or from other sites, this pointing most directly towards the intention of this clause, for “exemplary urban design”. The ground level of the development is fairly in-set, reducing massing impacts from the street, and provides a good level of landscaping and the provision of an ‘active interface’ assessed as coming to 79% of the street frontage, exceeding the primary prescriptive element to this clause, and presenting a development that is seen to meet the purpose of this clause, “To promote exemplary urban design in central Darwin”. The development’s overall design and attention to the requirements of clause 6.3.3 are considered acceptable.

5. In consideration to the intent of clause 7.8 (Building Design for Multiple Dwellings, Hostels and Supporting Accommodation), the design is seen to give appropriate consideration to the amenity considerations of future residents, noting the information provided, which outlines the extent to which the building shall meet, and in many cases exceed, the minimum requirements of the Building Code of Australia.

6. A schematic stormwater plan is required in order for the development to demonstrate that it is technically feasible to collect stormwater on the site and dispose of it into the local underground stormwater system, to the appropriate standards, and to ensure that no stormwater will sheet-flow into the road reserve or onto adjoining properties.

7. A traffic impact assessment report, in accordance with the Austroads document ‘Guide to Traffic Management Part 12: Traffic Impacts of Developments’, is required in order to demonstrate that the development can be supported without undue impact on the site and locality. The
City of Darwin specifically requests that a traffic impact assessment report be undertaken that relates purely to the proposed development.

8. In accordance with section 51(m) of the Planning Act, consideration has been given to all comments received from service authorities. It is recognised here that the electricity substation and water meter assembly have already gained the necessary acceptance from the Power and Water Corporation. Further approvals will be required from the City of Darwin and other applicable service authorities, as outlined in the conditions and notes included on the development permit.

9. Pursuant to section 51(n) of the Planning Act, the consent authority must take into account the potential impact on the existing and future amenity of the area in which the land is situated. Subsequently, noise attenuation, to the standards given in Australian AS 3671 'Road traffic noise intrusion – Building site ng and design' is to be undertaken to ensure an appropriate level of amenity to the future residents of the development, noting the proximity of many of the dwellings to Tiger Brennan Drive

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

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

[Signature]
DAVID HIBBERT
Delegate

*24/10/13*