DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 268 – FRIDAY 22 JANUARY 2016

BROLGA ROOM
NOVOTEL DARWIN ATRIUM
100 THE ESPLANADE
DARWIN

MEMBERS PRESENT: Denis Burke (Chairman) (session 1 & 2 only), Ross Baynes (Presiding Member session 3 only), Grant Tambling, Bob Elix and Garry Lambert

APOLOGIES: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), Sally Graetz, Adelle Godfrey, Joseph Sheridan, Ann-Marie Dooley, Amit Magotra and Roxanne Willing (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 9.30 am and closed at 2.30 pm
ITEM 1  GARAGE ADDITION TO AN EXISTING SINGLE DWELLING WITH A REDUCED FRONT SETBACK
PA2015/0795  PORTION 2504 (33) LAKES CRESCENT, HUNDRED OF BAGOT
APPLICANT  PROJECT BUILDING CERTIFIERS PTY LTD

Mr Craig Harvey (Project Building Certifiers Pty Ltd) attended.

The submitter sent their apology.

RESOLVED 01/16

That, pursuant to section 46(4)(b) of the Planning Act, the Development Consent Authority defer consideration of the application to develop Lot 2504 (33) Lakeside Drive, Hundred of Bagot for the purpose of a garage addition to an existing single dwelling with a reduced front setback to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

- Amended plans that demonstrate a significantly higher level of compliance with the requirements of clause 6.11 (Garages and Sheds) of the NT Planning Scheme; and
- Approval from the City of Darwin for the second driveway required to access the garage.

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 submitted plans do not accord with clause 6.11 (Garages and Sheds) of NT Planning Scheme with regard to the front setback requirements and the applicant has not provided suitable justification to grant the variation sought.

2. Pursuant to Section 51 (n) of the Planning Act, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated. The proposed development is located in close proximity to the street frontage and is considered to be out of character with the existing Lakeside Drive streetscape and the Northlakes locality.

ACTION: Advice to Applicant
CHANGE OF USE FROM RESTAURANT TO RESTAURANT/HOTEL
(MICROBREWDERY)
LOT 6587 (69) MITCHELL STREET, TOWN OF DARWIN
APPLICANT
PROJECT BUILDING CERTIFIERS PTY LTD

Mr Craig Harvey (Project Building Certifiers Pty Ltd), Ms Gina Donatelli (owner) and Ms Tess Petho (General Manager) attended.

Submitter Mr Bahadar Bayram attended.

RESOLVED
02/16

That, the Development Consent Authority determine to reduce the car parking requirements pursuant to Clause 6.5.2 (Reduction in Parking Requirements) of the NT Planning Scheme, and pursuant to Section 53(a) of the Planning Act, consent to the application to develop Lot 6587 (69) Mitchell Street, Town of Darwin for the purpose of a change of use from restaurant to restaurant and hotel (microbrewery), subject to the following conditions:

CONDITIONS PRECEDENT

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

2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a waste management plan to the requirements of the City of Darwin, to the satisfaction of the consent authority.

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.

4. 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. The ECMP is to address how construction will be managed on the site, and is to include details of waste management, traffic control and haulage routes, stormwater drainage and the use of City of Darwin land.

5. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), approval is required for the provision of awnings to the street frontage to the requirements of the City of Darwin and Power and Water Corporation, to the satisfaction of the consent authority.
GENERAL CONDITIONS

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

7. The 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.

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

9. The owner of the land must enter into agreements with the City of Darwin for all building elements over the City of Darwin road reserve, with design specifications to be to the requirements of the General Manager, Infrastructure, City of Darwin, to the satisfaction of the consent authority.

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

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

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

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

14. All air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view and from view of neighbouring or nearby developments (or developments reasonably anticipated), located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority. The use of angled louvered slats for screening purposes is acceptable, however the slat screening must be designed with a panel to gap ratio, such that the condenser units are not readily visible from any angle.
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. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

17. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the emission of noise, artificial light, vibration, smell, or waste products.

18. The loading and unloading of goods from vehicles must only be carried out on the land and must not disrupt the circulation and parking of vehicles on the land.

NOTES:

1. This development permit does not grant building approval. You are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing construction works.

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

3. A permit to work within a road reserve is required from the City of Darwin before commencement of any work within the road reserve.

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

6. The Department of Health advise that details of the internal design of restaurants including in relation to wastewater disposal, food preparation, dining, ventilation, ablutions and solid waste disposal are required by Environmental Health prior to any internal building works, and must be registered as a Food Business and comply with the NT Food Act 2004.
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 reduction in the parking requirements for the development under clause 6.5.2 (Reduction in Parking Requirements) is determined having considered all the relevant matters specified in clause 6.5.2 and having particular regard to the proposed use and development and the analyses of similar uses contained in the Central Darwin Car Parking Generation and Utilisation Study prepared by Aurecon in 2010. A reduced generation rate for the use is considered appropriate with the existing 3 spaces provided where an additional 11 spaces would otherwise have been generated by clause 6.5.1.

3. In accordance with the requirements of section 51(m) of the Planning Act, consideration has been given to all comments received from service authorities, with all relevant matters addressed through conditions or notes on the development permit, thereby ensuring that an appropriate level of service is maintained for the site and surrounding locality.

4. The City of Darwin advised that it is the sole authority responsible under the Local Government Act and associated by-laws for stormwater drainage and waste collection and as such has requested details of the collection of stormwater and waste for this proposal.

ACTION: Notice of Consent and Development Permit

ITEM 3 ALTERATIONS AND ADDITIONS TO EXISTING HOSTEL INCLUDING A NEW GAMING AREA
PA2015/0792 LOT 3751 (48) MITCHELL STREET, TOWN OF DARWIN
APPLICANT AFS REALTY & BUSINESS BROKERS PTY LTD

Ms Pamela Martin (Draftlink), Mr Todd McCourt and Mr Matt McCourt attended.

Mr McCourt tabled photos showing the Council carpark adjoining their lot which drains in their lot.

RESOLVED 03/16

That, the Development Consent Authority vary the requirements of Clause 7.6 (Communal Open Space) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application to develop Lot 3751 (48) Mitchell Street, Town of Darwin for the purpose of alterations and additions to an existing hostel including a new gaming area, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of works (including site preparation), a schematic

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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.
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. Prior to the commencement of works (including site preparation), the applicant
is to prepare a waste management plan to the requirements of the City of
Darwin, to the satisfaction of the consent authority.

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

GENERAL CONDITIONS

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

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

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

7. The kerb crossovers and driveways to the site are to meet the technical
standards of the City of Darwin, to the satisfaction of the consent authority.

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

9. Any new 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.

10. Any new pipes, fixtures, fittings and vents servicing the building must be
concealed in service ducts or otherwise hidden from view to the satisfaction of
the consent authority.

11. The car parking shown on the endorsed plans must be available at all times for
the exclusive use of the occupants of the development and their visitors.
12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.

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

NOTES:

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

2. The Power Networks division of the Power and Water Corporation advise that the property is provided with a very old and restricted capacity of low voltage power supply far away from the existing substation and that any significant maximum demand figure could require the establishment of a new substation. Should a new substation be required, then further planning consent may be necessary as this would impact on the assessment of the development and use of the land against Clause 6.3.3 (Urban Design Requirements in Central Darwin) of the Northern Territory Planning Scheme, including the requirement to limit services along street frontages.

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

4. This development permit does not grant “building approval”. You are advised to contact a registered private building certifier to ensure that you have attained all necessary approvals before commencing works.

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

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 site comprises an existing guest house and hostel with licensed café, dining facilities and beer garden, and the proposal will convert an outdoor recreation room at the rear of the licensed café into a gaming
room. The proposal also includes the conversion of a number of existing hostel rooms to staff rooms, stores and ancillary offices. The proposal is consistent with the primary purpose of Zone CB (Central Business) in providing for a diversity of activities including administrative, judicial, professional, office, entertainment, cultural, residential and retail and other business activities with a commitment to the separation of incompatible activities.

Clause 7.6 (Communal Open Space) ensures that suitable areas for communal open space are provided for hostels, multiple dwellings and supporting accommodation and requires that 15% of the site is to be communal open space. Although 216m² is required, the proposal would result in a communal open space area of 155m² only including a communal pool and covered entertainment area, plus an internal common area adjacent to the hostel reception. Despite the loss of the ‘outdoor recreation area’ as a result of the gaming room, the current use and function of this area is not exclusive to the guests of the hostel as it provides a smoking area associated with the dining and licenced club uses on the ground floor. Given the separation of this area from the exclusive communal pool and open space area and that the exclusive area is not impacted, the conversion will not change the level of amenity provided for guests of the hostel. As such, the conversion is will not impact upon the current provision of communal open space for the current hostel guests in a practical sense.

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. No land capability concerns were identified during the assessment of the proposal.

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 addition to the rear of an existing hostel, guest house and hostel with licenced café, dining facilities and a beer garden is unlikely to impact on local amenity. Matters relating to assessment under the Gaming Machine Act would be separately considered. The parking generated by the net floor area increase is considered to be offset by changes to the number of accommodation rooms available, and consequently no additional parking demand is anticipated.

4. The City of Darwin requested conditions be included on the permit requiring the provision of a stormwater management plan, waste management plan and environment and construction management plan be included on the permit.

**ACTION:** Notice of Consent and Development Permit
2 X 3 BEDROOM MULTIPLE DWELLINGS IN 2 SINGLE STOREY BUILDINGS
LOT 11547 (43) MAHONEY STREET, TOWN OF NIGHTCLIFF

DPL DEVELOPMENTS PTY LTD

Mr Israel Kgosiemang (One Planning Consult) and Mr Darron Lyons (DPL Developments) attended.

RESOLVED
04/16

That, the Development Consent Authority vary the requirements of Clauses 7.3.2 (Distance between Residential Buildings on One Site) and 7.5 (Private Open Space) of the Northern Territory Planning Scheme, and pursuant to Section 53(a) of the Planning Act, consent to the application to develop Lot 11547 (43) Mahoney Street, Town of Nightcliff for the purpose of 2 x 3 bedroom multiple dwellings in 2 single storey buildings, subject to the following conditions:

CONDITIONS PRECEDENT

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

2. Prior to the commencement of works (including site preparation), the applicant is to prepare an Environment and Construction Management Plan (ECMP) to the requirements of the City of Darwin. The ECMP is to address waste management, traffic control, haulage routes, and the use of Council land during construction, to the satisfaction of the consent authority.

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.

GENERAL CONDITIONS

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

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

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

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

10. A compliance certificate under the Swimming Pool Safety Act issued by the Swimming Pool Safety Authority is required for the swimming pools prior to the commencement of the development to the satisfaction of the consent authority.

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

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

13. 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.

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

15. 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.

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

NOTES:

1. This development permit does not grant building approval. You are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing construction works.
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation’s servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

3. A permit to work within a road reserve may be required from the City of Darwin before commencement of any work within the road reserve.

4. 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. Notwithstanding the approved plans, any proposed works (including landscaping) within the road reserve is subject to approval and shall meet all requirements of the City of Darwin, and at no cost to the City of Darwin.

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

**REASONS FOR THE DECISION**

1. Pursuant to Section 51(a) of the Planning Act, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. The purpose of Zone SD23 is to facilitate the subdivision, use and development of the land as a residential estate that provides for housing choice through a range of lot sizes and housing types. Land may be developed for multiple dwellings with consent, where identified on the land use drawing endorsed under the zone. The land is identified for multiple dwellings on the land use drawing endorsed through the Muirhead subdivision and the proposal is consistent with that drawing.

The application varies the requirements of Clause 7.3.2 (Distance between Residential Buildings on One Site) as a setback of 2.7m is provided when 3m is required. Despite this, the separation of the two dwellings offers an alternative to a single building, with the proposed setback offering variation, assisting in reducing overall building massing, and also encouraging breeze penetration. Despite the reduced setback, limited window openings restrict the potential for overlooking between the two dwellings.

Clause 7.5 (Private Open Space) ensures that each dwelling has private open space that is of an adequate size to provide for domestic purposes, being appropriately sited, permeable and open to the sky, and inclusive
of areas of deep soil for shade tree planting. Although each dwelling incorporates a minimum dimensioned area of 4m x 5m when 5m x 5m is required, each dwelling also provides an additional covered verandah area of 4.5m x 3.5m which forms a logical, sheltered extension to the living areas of the dwelling, providing a connection between the open space areas and swimming pool area. The use of swimming pools within the private open space areas is expected to provide a high quality recreation area for future residents. Each verandah also includes an outdoor kitchen, with Unit 1 also providing glass fencing between the pool and verandah areas to create an uninterrupted connection between the two areas. Despite the non-compliance to Clause 7.5, each dwelling is considered to provide a useable, functional area for recreation purposes directly accessible from the dwelling, and providing an appropriate extent of areas which are permeable and open to the sky.

2. Pursuant to Section 51(j) of the Planning Act, the consent authority must take into consideration the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development. Also, pursuant to section 51(m) of the Planning Act, the consent authority must take into account the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose. No land capability concerns were identified as part of the assessment. The proposal complies with the anticipated density in this location and is situated within a newly created subdivision. Conditions on the development permit require submission of a construction management plan, a stormwater management plan, and a dilapidation report as requested by the City of Darwin.

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 land is zoned to accommodate the proposed development, in that the land is identified for the development of multiple dwellings, and the proposal is consistent with the required dwelling density, height and building setbacks from the adjoining streets and properties. No undue amenity impacts are anticipated.

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

**ITEM 5**

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<tr>
<th>2 X 4 AND 1 X 3 BEDROOM MULTIPLE DWELLINGS IN 3 X 2 STOREY BUILDINGS</th>
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<td>LOT 2057 (16) EDEN STREET, TOWN OF DARWIN</td>
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**APPLICANT** ASHFORD GROUP PTY LTD

The applicant did not attend.
RESOLVED 05/16

That, pursuant to section 46(4)(b) of the Planning Act, the Development Consent Authority defer consideration of the application to develop Lot 2057 (16) Eden St Town of Darwin, for the purpose of a 2 x 4 and 1 x 3 bedroom multiple dwellings in 3 x 2 storey buildings to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application including:

- additional information and/or amended plans demonstrating further compliance with the requirements of Clause 6.5.3 (Parking Layout);
- confirmation from the City of Darwin that it is satisfied with the access arrangements proposed;
- additional information and/or amended plans that better respond to the requirements of Clause 7.1.1 (Residential Density Limitations); and
- additional information and/or amended plans demonstrating greater compliance with the requirements of Clause 7.5 (Private Open Space).

REASON FOR THE DECISION

1. Pursuant to section 46(4)(b) of the Planning Act, the consent authority may defer consideration of a proposal to allow the applicant to provide additional information it considers necessary to enable the proper consideration of the proposal and its impact on the site and surrounding area.

ACTION: Advice to Applicant

ITEM 6
PA2015/0834

INDEPENDENT UNIT AND DEMOUNTABLE STRUCTURE WITH REDUCED SIDE
SETBACK

LOT 2423 (85) ALAWA CRESCENT, TOWN OF NIGHTCLIFF

APPLICANT
MICHAEL PIKOS & KATINA PIKOS

Mr Michael and Mrs Katina Pikos attended.

RESOLVED 06/16

That, pursuant to section 46(4)(b) of the Planning Act, the Development Consent Authority defer consideration of the application to develop Lot 2423 (85) Alawa Crescent, Town of Nightcliff for the purpose of an independent unit and demountable structure with reduced side setback to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

- Submission of amended and more detailed plans to demonstrate the proposed method of screening the demountable structure (i.e. paint, fixed cladding as discussed at the hearing) to enhance the appearance of the structure as required by Clause 6.8 (Demountable Structures);
- Further information and/or amended plans to demonstrate the location of the demountable on site to the satisfaction of the Water Services division of the Power and Water Corporation; and
- Further information and/or amended plans to demonstrate the location of compliant car parking as required by Clause 7.10.4 (Independent Units of the NT Planning Scheme).

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RESOLVED 07/16

That, pursuant to section 86 of the Planning Act, the Authority delegates to the Chairman, or in the Chairman’s absence any one of the other members of the Darwin Division the power under section 53 of the Act to determine the application to develop Lot 2423 (85) Alawa Crescent, Town of Nightcliff for the purpose of an independent unit and demountable structure with reduced side setback, subject to:

- Submission of amended and more detailed plans to demonstrate the proposed method of screening the demountable structure (i.e. paint, fixed cladding as discussed at the hearing) to enhance the appearance of the structure as required by Clause 6.8 (Demountable Structures);

- Further information and/or amended plans to demonstrate the location of the demountable on site to the satisfaction of the Water Services division of the Power and Water Corporation; and

- Further information and/or amended plans to demonstrate the location of compliant car parking as required by Clause 7.10.4 (Independent Units of the NT Planning Scheme).

REASONS FOR THE DECISION

1. Pursuant to section 46(4)(b) of the Planning Act, the Development Consent Authority may defer consideration of an application to enable the applicant to provide additional information that the consent authority considers necessary. Additional information is necessary to ensure that the demountable structure will be visually consistent with adjoining land and nearby development as required by Clause 6.8 (Demountable Structures) of the NT Planning Scheme, and is suitably located given the easement at the property.

ACTION: Advice to Applicant

ITEM 7 PA2015/0873

CHANGE OF USE FROM SHOWROOM SALES TO MEDICAL CLINIC
SECTION 6467 (798) VANDERLIN DRIVE, HUNDRED OF BAGOT
APPLICANT MASTERPLAN NT

Mr Jack Priestly (Masterplan NT) attended.

RESOLVED 08/16

That, pursuant to section 46(4)(b) of the Planning Act, the Development Consent Authority defer consideration of the application to develop Section 6467 (798) Vanderlin Drive, Hundred of Bagot for the purpose of a Change of Use from showroom sales to medical clinic, to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

- Submission of further information and more detailed plans (i.e. site plan) that confirms the total car parking numbers available and the current/proposed parking layout within the site. This plans should clarify the location of site boundaries and all existing structures and site landscaping; and

- Further information regarding car park usage at the site to support the requested parking reduction.
REASON FOR THE DECISION

1. Pursuant to section 46(4)(b) of the Planning Act, the consent authority may defer consideration of a proposal to allow the applicant to provide additional information it considers necessary to enable the proper consideration of the proposal and its impact on the site and surrounding area. The total number of onsite car parking is not clear from the application documents and further information is required to assist the Authority in its determination of the requested car parking reduction.

ACTION: Advice to Applicant

ITEM 8 WITHDRAWN

Pursuant to section 101(3)(c) of the Planning Act, in the Chairman’s absence the members of the Darwin Division of the Development Consent Authority elect Ross Baynes to preside for Items 9 to 12 heard at the DCA meeting on 22 January 2016.

ITEM 9 SUBDIVISION TO CREATE 2 lots
PA2015/0844 LOT 9759 (53) FRESHWATER ROAD, TOWN OF NIGHTCLIFF
APPLICANT NORMAN MILLINGTON

Mr Norman Millington and Mrs Jennie Cordingley (owner) attended.

RESOLVED 09/16

That, pursuant to Section 53(a) of the Planning Act, the Development Consent Authority consent to the application to develop Lot 9759 (53) Freshwater Road, Town of Nightcliff for the purpose of subdivision to create 2 lots, subject to the following conditions:

GENERAL CONDITIONS

1. Works carried out under this permit shall be in accordance with the drawings numbered 2015/0844/01 endorsed as forming part of this permit.

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

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

4. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
5. Before issue of titles and pursuant to section 34 of the *Land Title Act*, a Caution Notice shall be lodged with the Registrar-General on the parent parcel to include the following advice on all proposed lots indicated on the endorsed drawings. The Caution Notice is to state that: “This lot is identified as being affected by the 1 in 100 year Rapid Creek riverine flood event. For more information contact Lands Planning on 8999 8963”. Evidence of lodgement on the parent parcel shall be provided to the satisfaction of the consent authority.

NOTES:

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

2. All wastewater systems within the Darwin Building Control Area must be certified by a licenced plumber and notification forwarded to Building Advisory Services, Department of Lands Planning and the Environment.

3. As part of any subdivision, the parcel numbers for addressing should comply with the Australian Standard (AS/NZ 4819:2011). For more information contact Survey and Land Records surveylandrecords@nt.gov.au 08 8995 5354. The numbers shown on the plans endorsed as forming part of this permit are indicative only and are not for addressing purposes.

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

5. The Power Networks division of the Power and Water Corporation has advised that the point of power supply will be at the front boundary to each lot. The future land owners are required to be fully responsible for the ownership and maintenance of any electrical infrastructure within the lot including managing voltage levels from Freshwater Road.

6. The Department of Land Resource Management has advised that the lots are affected by the affected by the 1 in 100 year (1% annual exceedance probability - AEP) Rapid Creek riverine flood event, and also the secondary storm surge area (1 in 1000 year average recurrence interval - ARI). The maximum 1% AEP riverine flood level is 6.35m AHD at Lot A and 6.50m AHD at Lot B as per the latest study and map development. If future development is proposed within the 1% AEP flood area, then it will require separate planning consent with requirements including minimum floor levels applicable.

**REASONS FOR THE DECISION**

1. Pursuant to Section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. The proposal is consistent with Zone SD11
(Specific Use Zone Darwin No. 11), in that the subdivision facilitates the development for a range of uses consistent with the non-urban character and amenity of the area and complies with the minimum lot size of approximately 1 hectare. A small area of the land (240m²) is situated in Zone CN (Conservation) with the new subdivision boundary not impacting this zone.

Clause 11.4.2 (Infrastructure in Subdivisions of Rural and Unzoned Land) requires that accesses to battleaxe lots have driveways not less than 10m wide, however the proposal incorporates driveway widths of 9.15m only. Given the existing frontage to Freshwater Road of 18.3m, and as the land is otherwise suitable for subdivision incorporating appropriately sized unconstrained areas, the provision of narrower driveways is considered acceptable.

2. Pursuant to Section 51(j) of the Planning Act, the consent authority must take into consideration the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development. Approximately half of the land is subject to riverine flooding, with the land being affected by the 1 in 100 year (1% annual exceedance probability - AEP) Rapid Creek riverine flood event. The majority of the land is also situated within the secondary storm surge area (1 in 1000 year average recurrence interval - ARI).

Whilst the subdivision will result in one additional lot being created in an area which is affected by these flood impacts, each lot incorporates an area of at least 3,000m² above the 1% AEP flood area with a minimum of 1,000m² unconstrained land required by Zone SD11. Future redevelopment or dwelling additions will be subject to further approval given the location within the secondary flood zone, requiring minimum finished floor levels of habitable rooms. The driveway access to Freshwater Road is situated entirely outside of the secondary flood zone and will provide unconstrained access at all times. A caution notice is required on the title to advise the owners of future lots the riverine flood impacts at the site as currently the title reflects the storm surge impacts at the land only.

3. Pursuant to Section 51(m) of the Planning Act, the consent authority must take into consideration the public utilities or infrastructure provided in the area in which the land is situated, and the requirement for public facilities and services to be connected to the land. Power Networks have confirmed that the point of power supply to each lot will be at the property boundary and that the developer is fully responsible for the ownership and maintenance of any electrical infrastructure including managing voltage levels.

**ACTION:** Notice of Consent and Development Permit
ITEM 10  
PA2015/0875  
CHANGES TO THE DEVELOPMENT APPROVED BY DP15/0543 TO INCLUDE AN ADDITIONAL 1 X 1 AND 1 X 2 BEDROOM MULTIPLE DWELLINGS  
LOT 9930 (4) KURINGAL COURT, TOWN OF DARWIN  
APPLICANT  
JUNE D’ROZARIO & ASSOCIATES PTY LTD

Ms Kasi Chong and Mr Regan Anderson (Halikos Pty Ltd) attended on behalf of the applicant.

RESOLVED  
10/16  
That the Development Consent Authority determine to reduce the car parking requirements pursuant to Clause 6.5.2 (Parking Requirements) and vary the requirements of Clause 6.5.3 (Parking Layout), Clause 7.3 (Building Setbacks of Residential Buildings) and Clause 7.5 (Private Open Space) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application to develop Lot 9930 (4) Kuringal Court, Town of Darwin for the purpose of changes to the development approved by DP15/0543 to include an additional 1 x 1 and 1 x 2 bedroom multiple dwellings, 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) access arrangements contained within Stage 1 of the development;
   (b) details and elevations of the proposed undercover bicycle storage structures;
   (c) details and elevations of the proposed covered entry from Dick Ward Drive;
   (d) removal or relocation of any device controlling vehicular access from Kuringal Court to enable a number of parking spaces to be available for the use of visitors;
   (e) notations on floor plans to ensure that balconies are internally drained;
   (f) details of fencing proposed to the ground floor private open space areas; and
   (g) details for the 2 and 3-bedroom units of the air-conditioning condenser unit screening to be utilised to ensure the condenser units are appropriately screened from public view and from view of neighbouring or nearby developments (or developments reasonably anticipated).
   All plans should be updated to reflect the necessary changes.

   THIS CONDITION HAS BEEN CLEARED THROUGH THE CLEARANCE OF DP15/0543 CONDITIONS PRECEDENT

2. Prior to the endorsement of plans and prior to commencement of works (including site preparation) a statement must be provided to Power and Water Corporation (PWC) from a Building Certifier that the proposed location of the required electricity easement satisfies BCA requirements. Approval of the proposed location must then be obtained from PWC and submitted to the satisfaction of the consent authority.
THIS CONDITION HAS BEEN CLEARED THROUGH THE CLEARANCE OF DP15/0543 CONDITIONS PRECEDENT

3. Prior to the endorsement of plans and prior to commencement of works (including site preparation) a person licensed under Regulation 489 of the Work Health and Safety (National Uniform Legislation) Regulations as an asbestos assessor must provide certification that all known asbestos has been removed from the site. This certification will form part of this permit and must be provided to the satisfaction of the consent authority.

THIS CONDITION HAS BEEN CLEARED THROUGH THE CLEARANCE OF DP15/0543 CONDITIONS PRECEDENT

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

THIS CONDITION HAS BEEN CLEARED THROUGH THE CLEARANCE OF DP15/0543 CONDITIONS PRECEDENT

5. Prior to the commencement of works (including site preparation), an Erosion and Sediment Control Plan (ESCP), is to be submitted to and approved by the consent authority on the advice of DLRM. The ESCP is to be developed by a suitably qualified and experienced professional in erosion and sediment control planning and the IEECA Best Practice Erosion and Sediment Control Guidelines 2008 may be referenced as a guide to the type of information, detail and data that should be included in the ESCP. The plan should detail methods and treatments for minimising erosion and sediment loss from the site during the construction phase. Information regarding erosion and sediment control and ESCP content is available at www.austieca.com.au and the DLRM website: http://lrn.nt.gov.au/soil/management.

THIS CONDITION HAS BEEN CLEARED THROUGH THE CLEARANCE OF DP15/0543 CONDITIONS PRECEDENT

6. Prior to the commencement of works (including site preparation), the applicant is to prepare an Environmental and Construction Management Plan (ECMP), to the requirements of the City of Darwin, to the satisfaction of the consent authority. The ECMP is to address waste management, storm water drainage, how construction will be managed on the site, and is to include details of the haulage of excavated and new materials and traffic management for construction vehicles, ensuring that Dick Ward Drive and Kurringal Court are kept clear at all times.

THIS CONDITION HAS BEEN CLEARED THROUGH THE CLEARANCE OF DP15/0543 CONDITIONS PRECEDENT

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

**THIS CONDITION HAS BEEN CLEARED THROUGH THE CLEARANCE OF DP15/0543 CONDITIONS PRECEDENT**

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

**THIS CONDITION HAS BEEN CLEARED THROUGH THE CLEARANCE OF DP15/0543 CONDITIONS PRECEDENT**

**GENERAL CONDITIONS**

9. The works carried out under this permit shall be in accordance with the drawings numbered 2015/0875/01 through 2015/0875/35, endorsed as forming part of this permit.

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

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

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

13. Before the use 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) line marked to indicate each car space; and
   (e) drained to the satisfaction of the consent authority.

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

15. The car parking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their visitors.
16. 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.

17. 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.

18. 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.

19. 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.

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. 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.

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

23. All air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view and from view of neighbouring or nearby developments (or developments reasonably anticipated), located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority. The use of angled louvered slats for screening purposes is acceptable, however the slat screening must be designed with a panel to gap ratio, such that the condenser units are not readily visible from any angle.

24. 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.

25. All proposed works impacting on Kurringal Court are to be designed, supervised and certified on completion by a practicing and registered civil engineer, and shall be in accordance with the standards and specifications of the City of Darwin.
Darwin. Drawings must be submitted to the City of Darwin for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".

26. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the requirements of the consent authority, upon the advice of the Department of Land Resource Management.

27. Dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

28. Provided City of Darwin or other relevant authority have, by no later than 30 June 2016:
   (a) completed a traffic study demonstrating the impact of current, planned and potential development (including, but not limited to the development the subject of this permit (the Development)) of the area bounded by Dick Ward Drive, East Point Road and Ross Smith Avenue (the Area); and
   (b) substantially costed works to improve, upgrade or construct new traffic infrastructure reasonably required to manage the impact of current, planned and potential development of the Area (including but not limited to the Development), the developer (or owner of the land) must, as required by Council and prior to the issue of titles to any unit in the Development, make a contribution to the cost of improving, upgrading or constructing new traffic management infrastructure upgrading works demonstrated by the independent traffic study as required to manage current, planned and potential development of the Area, all to the satisfaction of the consent authority. The contribution under this condition is to be proportionate to the impact of the development on the need to undertake the upgrading works for the whole local area, up to a maximum of 20% of the value of the works, which, for the purposes of this condition, is taken to be $1,800,000.00 for the whole local area.

29. 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.

30. A unit title scheme subdivision application must be submitted and show at least 1 car parking space on title for each unit and the remaining car parking spaces available for flexible allocation by the body corporate through the exclusive use by-law.

31. If any asbestos is uncovered during building works, the site owner shall notify NT WorkSafe and take such actions as are required to remove

NOTES:

1. This development permit does not grant "building approval" for the proposed structures. The Building Code of Australia requires that certain structures within 900mm of a boundary meets minimum fire resistance level requirements and you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing demolition or construction works.
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

3. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities.

4. City of Darwin advises that:
   (a) a Tree Protection Zone (TPZ) shall be constructed for all existing trees to be retained within the development, in accordance with Australian Standards – AS 4970-2009 Protection of Trees on Development Sites; and
   (b) in accordance with City of Darwin By-Laws, prior to occupation, the applicant shall ensure that a building number is displayed in a position clearly visible from the street.

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

6. The Northern Territory Environment Protection Agency 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.

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

**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 changes to the development approved by DP15/0543 to include an additional 1 x 1 and 1 x 2 bedroom multiple dwellings is consistent with the primary purpose of Zone MR (Medium Density Residential), which is to provide for a range of housing options to a maximum height of four storeys above ground level. The development is considered to be of a scale, character and architectural style reasonably anticipated on the site given its zone and zoning of surrounding properties.
Pursuant to Clause 6.5.2 (Reduction in Parking Requirements) the provision of 1 car parking space per 1-bedroom unit is supported as the proposed development has merit in terms of location and the availability of services and public transport in the immediate area. There are a number of collective factors that make it suitable:

- The site is within walking distance of a neighbourhood shopping centre where most goods and services can be acquired; the site is within walking distance of bus stops which provide frequent services (approx. every 30 minutes) to both the CBD and Casuarina; there is opportunity for on-street parking along Kuringgal Court which will not impact on surrounding developments; the provision of pedestrian access from/to Dick Ward Drive will allow for quicker and more convenient access to bus stops along Dick Ward Drive and to a convenience store located within the nearby BP service station.

- The site has been found to accord with the philosophies and performance criteria of the Compact Urban Growth Policy (CUGP) and therefore is expected to encourage the likelihood of people walking to and using local shops, using public open space and using public transport.

- The 1-bedroom units account for less than 25% of the proposed development (162 units) ensuring that the parking deficit remains low; each unit will have only 1 car parking space on title meaning that the remaining 125 spaces can be allocated through exclusive use rights (required through condition 28) thus allowing the body corporate the flexibility to allocate the remaining spaces to occupants on a needs basis; and the 1-bedroom units have an internal floor area of 54m² which limits the type of occupancy and therefore the number of vehicles that are likely to be associated with these units.

- The provision of good quality undercover bike storage throughout the site, as required by condition precedent 1, and the proximity to cycle paths will encourage occupants to utilise other forms of transport.

Furthermore, it is recognised that there are a limited number of 1-bedroom units available outside of the CBD and that this is most likely due to the requirement for 2 car parking spaces and the associated development cost implications. By supporting a reduction in car parking requirements for 1-bedroom units in the right locations, housing choice is promoted which is one of the key objectives of the administration of the NT Planning Scheme (Clause 4.1).

A variation to Clause 6.5.3 (Parking Layout) to allow car parking space 99 to be located 2.8m rather than the required 3m from the Dick Ward Drive boundary is supported, as the Authority previously determined that the provision of fencing and landscaping will ensure that there is no impact on the streetscape from the car parking space being 200mm closer to the boundary, and an encroachment of 200mm on the required setback does not appear to impact on the overall development or design of the car parking area. The additional 3 parking bays provided between Buildings 2 and 3 as part of the current proposal are compliant with the
provisions of this clause and the Authority’s previous determination of this matter is considered appropriate and a variation is supported.

A variation to Clause 7.3 (Building Setbacks of Residential Buildings) to assess Kurringal Court as the Primary Street Frontage rather than Dick Ward Drive is supported, as the Authority has previously determined that this is where access has historically been taken from and will continue to be taken from. The variation therefore is solely to recognise the designation of Kurringal Court as the Primary Street frontage.

A variation to Clause 7.3 (Building Setbacks of Residential Buildings) to allow the BBQ structures to be located within 200mm of the Kurringal Court and west side boundaries is supported as the Authority has previously determined that they blend in well with the rest of the development and are considered a good addition to the communal open space area. The current proposal does not alter the previously approved setbacks and the Authority’s previous determination of this matter is considered appropriate.

A variation to Clause 7.5 (Private Open Space) for reduced a private open space area to the ground level 1-bedroom unit is supported due to the quantity and quality of communal open space provided on site, which significantly exceeds the requirements of the NTPS. The Authority has previously determined that the provision of a swimming pool, gym, community room, kitchen garden, BBQ and seating areas are all imperative to support a reduction in the private open space requirements. The private courtyard garden and ground level verandah provide functional outdoor spaces, and when treated as an extension to the dwelling’s verandah provide adequate space for the enjoyment of an outdoor lifestyle.

2. 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.

Two public submissions were received during the exhibition period under Section 49 of the Planning Act with respect to the proposal. The submissions included concerns about the amenity impacts resulting from the additional 2 dwellings, and the removal of communal open space and landscaping for 3 additional car parking spaces.

In terms of residential density the proposal remains well under the maximum allowable with the development requiring a minimum site area of 14805m² and the actual site area being 17300m². The additional 3 parking spaces results in a reduction of 55m² of communal open space and landscaping, however the remaining areas are in excess of that required by the NTPS, particularly communal open space which equates to 26% of the total site area compared to the scheme requirements of 15%. Given the additional dwellings are wholly located within the existing building footprint and the communal facilities provided are
unchanged, there is unlikely to be any adverse impact on the amenity of residents of the development or adjoining or nearby land uses resulting from the additional dwellings and minor reduction in communal open space.

3. Pursuant to Section 51(j) of the Planning Act, the consent authority must take into consideration the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.

The site was previously considered capable of accommodating the proposed development as part of the determination associated with DP15/0543. The changes proposed do not alter the development in any significant way and do not introduce any incompatible uses on the site. As such, the initial assessment is still considered relevant.

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

Conditions Precedent as required by the development approved by DP15/0543 have all be cleared, and it is anticipated that these measures, combined with standard conditions relating to the connection and upgrade of utility services and the provision and treatment of easements, are expected to ensure that utility and infrastructure requirements are appropriately addressed.

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

The land is zoned accordingly to accommodate the proposed density of living and the surrounding area has been developed to service this zone. The proposed changes to the development approved by DP15/0543 to include an additional 1 x 1 and 1 x 2 bedroom multiple dwellings are not considered to further affect the potential impact on the existing or future amenity of the area.

6. A condition requiring the developer to make a contribution towards the cost of improving, upgrading or constructing new traffic infrastructure reasonably required to manage the impact of current, planned and potential development of the Area has been included and is consistent with that previously determined by the Authority.

**ACTION:** Notice of Determination
Ms Wendy Smith and Mr Frank Eyndhoven (Elton Consulting), Mr Jim Keogh (owner) and Mr Gordon Boytell (ADG) attended.

Ms Smith tabled a plan showing typical sections of the western retaining wall.

RESOLVED

That pursuant to section 46(4)(b) of the Planning Act, the development Consent Authority defer consideration of the application to develop Section 5875 (81) Boulter Road, Hundred of Bagot for the purpose of subdivision to create 66 lots (including 1 public open space lot), to require the applicant to provide the following additional information that the authority considers necessary in order to enable proper consideration of the application:

- Further information and amended plans which clarify the extent of the fill and retaining wall heights proposed for the subdivision.
- Further information and/or amended plans to demonstrate that the design of the proposed road to the north reasonably anticipates a connection to future development given the volume of fill proposed for the subdivision, to the requirements of the City of Darwin. The application is to demonstrate that the road design of the proposed road can connect to future development in accordance with the Berrimah North Area Plan.
- Further information and/or amended plans regarding the interface between the proposed retaining wall and the adjacent land to the west to ensure an appropriate level of amenity for existing residents. The further information should detail measures to ensure that stormwater and other material is prevented from discharging onto the adjacent land, and also measures to ensure an unserviceable gap is avoided.
- Any other additional information or plan amendments necessary to satisfy the above.

REASONS FOR THE DECISION

1. Pursuant to section 46(4)(b) of the Planning Act, the Development Consent Authority may defer consideration of an application to enable the applicant to provide additional information that the consent authority considers necessary. Further information is required to demonstrate that the proposed road connection to the north will not prevent the future development of the adjacent land in accordance with the Berrimah North Area Plan, and also that the subdivision will not unduly impact on the existing or future amenity of the area.

ACTION: Advice to Applicant
REPLACEMENT OF ROOFTOP WATER COOLING TOWERS
BUILDING DEVELOPMENT LOT 7840 (7) KITCHENER DRIVE, TOWN OF DARWIN
APPLICANT ELTON CONSULTING

Mr Wendy Smith (Elton Consulting) attended.

Mr Dominic Focario attended as an interested party.

RESOLVED 12/16

That, pursuant to section 53(a) of the Planning Act, the Development Consent Authority consent to the application to develop Building Development Lot 7840 (7) Kitchener Drive, Town of Darwin for the purpose of replacement of rooftop water cooling towers, 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 generally in accordance with the plans submitted with the application but include:
   a. a site plan clearly identifying the location of works.

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, sewerage and electricity facilities to the development shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.

4. All rooftop plant equipment covered by this proposal that will be placed on the rooftop of the development shall be appropriately screened, or designed to soften the visual impact of such equipment from view from neighbouring or nearby developments (or developments reasonably anticipated).

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 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 any planning scheme that applies to the land to which the application relates.

The Northern Territory Planning Scheme applies to Building Development Parcel 7840 (7) Kitchener Drive, Town of Darwin. In terms of compliance with the applicable Planning Scheme clauses, the application generally performs well and does not propose any significant change such that compliance with the Scheme is impacted. The proposal does not impact on compliance with building height restrictions imposed by the Darwin City Waterfront Planning Principles and Area Plan, CBD volumetric controls, building design, car parking and loading bay requirements.

The replacement system is of a more modern design and technology than the existing system and, according to the application, will generate less noise. The overall improvement in noise generation, together with additional screen panelling proposed is expected to ensure that the development results in no unreasonable amenity impacts for current and future occupants of the site and surrounding development.

2. Pursuant to section 51(e) of the Planning Act, the consent authority must take into account any submissions received under section 49 or any evidence or information received under section 50, in relation to the development application.

The application was publicly exhibited in accordance with the requirements of the Planning Act. One public submission was received from the land owners of a nearby property which provided support for the proposed development, noting that replacement with a more modern, efficient and quieter system was welcomed. The submission requested that the developers keep submitters advised of any changes to the design/works likely to impact on the enjoyment of their homes.
3. A requirement to submit amended plans better showing the exact location of works (through submission of a site plan) as detailed within the written information submitted in the application is required to ensure the location of works is appropriately reflected on a site plan.

ACTION: Notice of Consent and Development Permit

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

DENIS BURKE
Chairman

29/1/16