DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 221 – FRIDAY 8 NOVEMBER 2013

BILLABONG 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 and Steven Conn and for part of the meeting Sally Cunningham, Anthony Brennan and Dawn Parkes (Development Assessment Services) and Deanna Klobas (Lands Planning)

COUNCIL REPRESENTATIVE: Cindy Robson (Strategic Town Planner, City of Darwin)
Items 1 & 2 & 7 only

Meeting opened at 9.15 am and closed at 4.00 pm
THE MINUTES RECORD OF THE EVIDENTIARY STAGE AND THE DELIBERATIVE STAGE ARE RECORDED SEPARATELY. THESE MINUTES RECORD THE DELIBERATIVE STAGE. THE TWO STAGES ARE GENERALLY HELD AT DIFFERENT TIMES DURING THE MEETING AND INVITEES ARE PRESENT FOR THE EVIDENTIARY STAGE ONLY.

ITEM 1
PA2013/0560

DREDGING AND COASTAL FILL FOR THE TEMPORARY MOORING OF AN ACCOMMODATION BARGE (WITH ANCILLARY USES INCLUDING RESTAURANT, SHOPS AND OFFICES) AND ASSOCIATED ON SHORE CAR PARKING, IN TWO STAGES
LOT 6503 (66) FRANCES BAY DRIVE, TOWN OF DARWIN

APPLICANT

MASTERPLAN NT

DAS tabled an addendum: comments from Department of Land Resource Management and Network Division Department of Transport.

Mr Brad Cunnington and Ms Shauna Wild (Masterplan NT), Mr Rick Newley and Mr John Cartwright (Bibby Maritime), Mr Ian Fanning, Mr Chauncey Hammond and Mr Allen Hanson (Tasmanian Seafood) and Mr George Karem (SKM) attended.

Submitters in attendance: - Ms Nola Bailey and Mr Duncan McConnell, Mr Keith Simpson (Ausco Modular & Flannagan Consulting Group), Mr Michael Vaughan, Mr Stephen Wood and Ms Karen Karns, Ms Katrina Harding and Ms Chris Hancock.

Submitter: Ms Katrina Harding tabled photographs of her current sea view and the sea view once the barge is located on site.

Submitter: Ms Chris Hancock tabled a photograph taken last Sunday showing some of the fill being used on the site.

Submitters who sent their apologies: Mr Paul Stayanoff, VC & JL D’Errico, Mr Bruce and Mrs Heather West and Mr Ted Bailey.

Interested parties who attended: Ms Josie Crawshaw, Mr Fred Wilson, Mr Henry White, Mr Harry Morgan and five other people also attended.

RESOLVED

241/13

That pursuant to section 53(c) of the Planning Act, the Development Consent Authority refuse to consent to the application to develop Lot 6503 (66) Frances Bay Drive, Town of Darwin for the purpose of dredging and coastal fill for the temporary mooring of an accommodation barge (with ancillary uses including restaurant, shops and offices) and associated on shore car parking, in two stages for the following reasons:

REASONS FOR THE DECISION

1. The development/ use is inconsistent with the primary purpose of Zone SD10 (Specific Use No. 10 – Darwin), which is given in Schedule 1 of the NT Planning Scheme as being “To encourage the development of a mixed use area of medium density residential and commercial uses that are related to the waterfront, and that are related to a limited expansion of the existing waterfront and maritime industrial activities”. The
proposal would have seen the introduction of a high density of residential uses on land in Zone SD10 that have no relationship or connection to the waterfront or maritime industrial activities. The introduction of this use over water not being considered an appropriate reason to deem it a ‘waterfront or maritime’ use.

2. The development is inconsistent with the intention of subclauses 4 and 5 of Zone SD10, which generally limits buildings to heights above ground of two storeys, with exceptions for three storey buildings granted in some circumstances only, noting that there is no mention in the controls for this zone of structures in excess of these heights.

3. The development is inconsistent with the primary purpose of clause 14.1.3 (Frances Bay Planning Principles), “To create a mixed use waterfront precinct combining the interest and activity of a working wharf/ port with additional marine and tourism land uses, entertainment, water transport and harbourside living”, noting the lack of integration of this proposal with surrounding uses, whether in terms of aesthetic fit or with the deemed insular nature of such a workers’ accommodation development.

4. The development is inconsistent with subclause 2 of clause 14.1.3 (Frances Bay Planning Principles), “To promote development that integrates compatible land uses”, the proposal seen as incompatible and inappropriate to the Frances Bay area, not giving adequate consideration to the existing and future amenity of those residing and working in the surrounding area, as given by section 51(n) of the Planning Act.

5. Pursuant to section 51(e) of the Planning Act, consideration has been given to the points raised and concerns held by the submissions received under section 49 of the Planning Act.

6. Pursuant to section 51(h) of the Planning Act, the development is of no particular merit and is considered likely to detract from the general amenity of the area during its proposed three year stay.

7. In accordance with the requirements of section 51(m) of the Planning Act, consideration has been given to the comments received from the service authorities during, and following, the notification period listed under section 48 of the Planning Act, with particular reference to the concerns held by the City of Darwin, the Department of Land Resource Management, the NT Environment Protection Authority and the Department of Transport, and the outstanding approvals required by the Darwin Port Corporation and the Department of Lands, Planning and the Environment’s Land Administration division, giving a clear indication that the application was lacking in detail and merit.

ACTION: Notice of Refusal
ITEM 2 PA2013/0693
REFURBISHMENT OF EXISTING MOTEL PLUS 24 X 2 AND 12 X 1 BEDROOM
93 SERVICED APARTMENTS IN A 7 STOREY BUILDING PLUS 8 X 3, 36 X 2 AND 4
X 1 BEDROOM MULTIPLE DWELLINGS IN A 13 STOREY BUILDING INCLUSIVE
OF THE GROUND LEVEL CARPARK PLUS 2 BASEMENT LEVEL CAR PARKING
LOTS 1288 & 1288 (1 & 2) MONTORO COURT AND LOTS 1295 & 1296
(8 & 7) PACKARD STREET, TOWN OF DARWIN
APPLICANT
MASTERPLAN NT

DAS tabled an addendum – A response to the submissions from applicant.

Mr Brad Cunnington and Ms Shauna Wild (Masterplan NT), Mr Peter La Pira
(Joondanna Investments, land owners), Ms Jo Best (Troppo Architects) and Mr Greg
Scott attended.

RESOLVED
242/13
That the Development Consent Authority vary the requirements of clauses 6.5.1
(Parking Requirements), 6.6 (Loading Bays), 7.3 (Building Setbacks for Residential
Buildings), 7.3.1 (Additional Setback Requirements for Residential Buildings Longer
than 18m and for Residential Buildings Over 4 Storeys in Height), and 7.3.2 (Distance
Between Residential Buildings on One Site) of the Northern Territory Planning
Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application
to develop Lots 1287 & 1288, (1 & 2) Montoro Court and 1295 & 1296 (8 & 7)
Packard Street, Town of Darwin, for the purpose of ‘Refurbishment of existing motel
plus 12 x 1 bedroom and 24 x 2 bedroom serviced apartments in a 7 storey building
plus 4 x 1 bedroom, 36 x 2 bedroom and 8 x 3 bedroom multiple dwellings in a 13
storey building inclusive of the ground level carpark plus 2 basement levels of
carparking’, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of works (including site preparation), confirmation
from Power and Water Corporation that the sewer easement has been
appropriately extinguished or relocated is to be obtained. This is to be
undertaken to the requirements of Power and Water Corporation, to the
satisfaction of the consent authority.
   (a) Following extinguishment or relocation of Power and Water
Corporation’s sewer easement, a new survey plan will need to be
obtained from the Land Titles Office and issued to 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 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 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.

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4. 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. The report is to be to the approval 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. An Occupancy Permit under the Building Act shall not be granted until such time as Lots 1287, 1288, 1295 and 1296, Town of Darwin, have been consolidated and a new title issued in respect of that consolidated allotment.

7. Prior to the commencement of the use, 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.

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. 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 networks to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

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

12. 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.

13. 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.

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) properly formed to such levels that they can be used in accordance with the plans;
   (c) surfaced with an all-weather-seal coat; and
   (d) drained;
   to the satisfaction of the consent authority.
   Car spaces, access lanes and driveways must be kept available for these purposes at all times.

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

16. 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.

17. 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.

18. 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.

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

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

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

NOTES:

1. The City of Darwin advises that, notwithstanding the approved plans, any proposed awnings, footpaths and landscaping works within Council's road reserve are subject to approval from the City of Darwin, and shall be undertaken 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.

5. 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.

6. 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.

REASONS FOR THE DECISION

1. The development is consistent with the primary purpose of zone TC (Tourist Commercial), to “Provide for uses or development servicing tourism, including commercial and residential activities”, noting the retention of the existing motel use and development and the intensification of accommodation options across the site.

2. The development is seen to be consistent with the secondary purpose of clause 5.10 (Zone TC – Tourist Commercial), providing development considered to be “of a scale and character that is compatible with uses or development nearby”, given the context of the site’s proximity to the CB (Central Business) zone and the existence of a number of mid to high rise buildings (six to nine storeys) within close proximity. The buildings

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subject of this application are fairly open in nature and the articulation
and interest provided by this design, through its varied heights and
‘tropical’ features, are seen as positive aspects. It is also noted here that
the development is under the permitted plot ratio permitted for the site
through clause 6.4 (Plot Ratios) of the NT Planning Scheme, this clause
having a primary purpose of “Providing for development that will, in
terms of building massing, be compatible with adjacent and nearby
development”.

3. It is necessary that the sewer easements that exist along the southern
boundary of Lot 1288 and the eastern boundary of Lot 1296 be
extinguished or relocated as without this occurring the development will
not be able to proceed without significant redesign. As the responsible
authority, this is to be undertaken to the requirements of the Power and
Water Corporation, with legal verification given via the issue of a revised
survey plan.

4. 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 it is considered that there is
sufficient ability for the locality to accommodate the parking required by
the development, noting the ability to endorse a reduced parking
demand through:

- Reference to the zoning in proximity of the site, noting that compliance
  would be achieved by assessing the development as being in zone CB
  (Central Business), in addition to accounting for the on-street bays
  mentioned below, as mentioned by subclause 2(a) of clause 6.5.2.
- The high proportion of ‘short-stay’ residences associated with this
  development, whether motel suites or serviced apartments, does also
  point towards a likelihood that other forms of transport are likely to be
  used.
- The 19 on-street carparking bays that are immediately to the northeast of
  Lots 1287 and 1295, as referenced by subclause 2(b) of clause 6.5.2.
- The large on-street perimeter to the development site (measured as being
  180m²) also means that there is also a greater ability for overflow parking
  to be accommodated by the existing street network without impacting on
  other sites in the vicinity
- The proximity of public transport bus stops and services that run along
  Smith Street and Mitchell Street (50m to the south), as referenced by
  subclause 2(c) of clause 6.5.2.
- Additionally, the likelihood for other forms of transportation to be used
  should be taken into account. The development includes facilities for the
  parking of 18 motorcycles, approximately 40 bicycles, is within walking
distance of a number of attractions, and includes two drop-off areas to
  allow for the regular use of buses or taxis.

5. A variation to clause 6.6 (Loading Bays) of the Northern Territory
Planning Scheme is supported as the waiver being sought is minor and
technical only. The loading space shown in the proposal has been in
existence for several years without apparent incident. It appears to
adequately cater for the existing motel and is considered to satisfy the purpose of this clause, to “Provide for the loading and unloading of vehicles associated with the use of the land”.

6. A variation to clause 7.3.1 (Additional Setback Requirements for Residential Buildings Longer than 18m and for Residential Buildings Over 4 Storeys in Height) of the Northern Territory Planning Scheme is supported as subclause 5 of clause 7.3.1 permits variations to its prescriptive requirements when “the design of the residential building is consistent with the purpose of this clause”, to locate residential buildings “so as to minimise any adverse effects of building massing and visual bulk when viewed from adjoining land and the street”, the design of the proposed buildings, prepared by Troppo Architects (SA), is taken into account, these presenting as being fairly open and ‘tropical’, despite their multi-level nature, and are considered to be in line with the purpose of clauses 7.3 and 7.3.1. Examination of the existing streetscape also shows the two proposed buildings to be in line with the setbacks of the buildings to be demolished over the subject site and acting to present a logical built form, noting the setbacks of existing buildings along abutting sites to each of the surrounding streets (Montoro Court, Smith Street and Packard Place).

7. A variation to clause 7.3.2 (Distance Between Residential Buildings on One Site) is supported as the non-compliance is technical, applying to level 2 only, and is seen to provide an amenity benefit to future occupants through the provision of a contiguous walkway between each of the three buildings on this level, while still allowing for separation and openness to other levels. Most significantly, all buildings are separated at ground level, giving a sense of openness that can be felt at the pedestrian or street level. It can also be seen that the design results in some separation distances being quite significant, noting the open area within the central portion of the site made available for communal recreational benefit.

**ACTION:** Notice of Determination

**ITEM 3**

**PA2013/0697**

1 X 1, 36 X 2 & 35 X 3 BEDROOM MULTIPLE DWELLINGS AND A GROUND LEVEL OFFICE/SHOP TENANCY IN A 10 STOREY BUILDING PLUS 3 LEVELS OF BASEMENT PARKING

LOT 2279 (20) HARVEY STREET, TOWN OF DARWIN

**APPLICANT**

ASHFORD GROUP

DAS tabled an addendum:- additional comments from City of Darwin.

Mr Randall Ashford (Ashford Group Architects) attended.

**RESOLVED**

243/13

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(b) of the Planning Act, alter the proposed development and consent to the

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proposed development as altered to develop Lot 2279 (20) Harvey Street for the purpose of 1 x 1 bedroom, 36 x 2 bedroom and 35 x 3 bedroom multiple dwellings and a ground level office/ shop tenancy in a 10 storey building plus 3 levels of basement carparking, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to endorsement of the plans and prior to commencement of works (including site preparation), the applicant is to submit amended plans that are generally in accordance with those submitted with the application, but modified to show:
   (a) The provision of awnings to the full extent of the street frontage along Harvey Street for Parcel A of Lot 2279, Town of Darwin, such that the development is in full compliance with subclause 4(a) of clause 6.3.3 (Urban Design Requirements in Central Darwin), to “Provide awnings to streets for the full extent of the street frontage that allow for the planting and growth of mature trees within the road reserve”.
   (b) Evidence that the sight lines at the vehicular exit from the development to Harvey Street accord with the requirements of clause 6.5.3 (Parking Layout) of the NT Planning Scheme and give appropriate consideration to pedestrian and cyclist safety.
      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 submit a Statement of Environmental Audit, from a suitably qualified person under section 68 of the Waste Management and Pollution Control Act, certifying that the site is suitable for its intended use, and that any contaminated soil has been appropriately remediated or disposed of, to the requirements of the NT Environment Protection Authority, 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 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.

4. 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.

5. 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

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opportunities, and is to include swept paths for waste collection vehicles entering and exiting the site. The report is to be to the approval of the City of Darwin, 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. 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.

8. An Occupancy Permit under the Building Act must not be issued until the site has been subdivided in accordance with DP12/0365 and a new title has been issued for the subject parcel as relates to parent allotment, Lot 2279, Town of Darwin.

9. All balconies are to be screened to side boundaries and all 'high level glass panels' must be a minimum of 1.8m above the floor level of the unit onto which they face, they must be unopenable and of opaque or obscured glass, such that overlooking is not possible.

10. 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.

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. 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.

13. 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.

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. 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.

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. 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. The loading and unloading of goods from vehicles must only be carried out on the subject site, and is not to disrupt the circulation and parking of vehicles on the land. All loading bays are to be line marked.

19. All air conditioning condensers are to be appropriately screened from public view, located 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 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.

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

22. 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.

23. 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.

24. 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.

25. 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.
26. 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. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to the City of Darwin.

2. 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.

3. 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.
   - Internal fire fighting arrangements should be made, to the satisfaction of the NT Fire and Rescue Service, as full lot fire coverage cannot be achieved from the existing hydrants.
   - The developer will need to make an application to discharge trade waste to the Power and Water Corporation’s sewerage system.
   - The developer is responsible for safety clearance compliance between existing overhead power lines in the area and any new building or extension during construction and at its completed stage, in accordance with the NT Electricity Reform (Safety and Technical) Regulations 2000.
   - 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.

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.

5. 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.

6. The NT Environment Protection Authority advises that the transportation of any contaminated soils from the site must be conducted in compliance with the Waste Management and Pollution Control Act.
7. 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.

8. 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.

9. 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.

10. The Department of Lands, Planning and the Environment advises that there are historically significant remnants of the North Australian Railway on adjacent Lot 5940, Town of Darwin, and that the developer should be aware of the significance of these features, and appropriate measures should be implemented to ensure that there is no encroachment upon them.

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

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”, presenting a largely residential development with a commercial tenancy at ground level.

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 non-compliance only affects part of the 10th level and the roof, there being a vertical distance of less than 5m of the building that protrudes into this Tier 2 aspect. Many portions of the building will exceed the 6m setback requested by this clause, with just a portion of the northeastern and southwestern-most units extending into this ‘setback space’. The site has a large undeveloped lot to the rear, which is zoned PS (Public Open Space), and is unlikely to be developed. Not only does this present a circumstance from which it could be seen that impacts on surrounding allotments would be less than for many other, similar,
allotments, but the level of non-compliance is quite minor, and not seen to impact, in any real way, on access to views, daylight and breezes, as per the purpose of clause 6.3.2. The two non-compliant facades also only relate to the Tier 2 component of the building, so it is only part of the uppermost level and the roof over for which a building length in excess of 75% of the adjacent boundary is given. The ‘tapering off’ of Lot 2279, towards the western end of Parcel A, provides some explanation for the difficulty of satisfying this aspect of clause 6.3.2. The non-compliance is quite minor to the eastern side, and although larger for the other side facade, this is a result of that boundary being fairly compromised in nature, i.e. the irregular shape of Parcel A. It is considered that the building presents well to the street and gives a design that is in keeping with the purpose of the clause, to not detrimentally impact on views, daylight and breezes.

3. A condition has been included to the effect that all balconies are to be screened to side boundaries and all ‘high level glass panels’ are to be a minimum of 1.8m above the floor level of the unit onto which they face, to be unopenable and of opaque or obscured glass, such that overlooking is not possible, to ensure that the design presents a more interesting facade to side boundaries, that privacy is not impacted, and that the penetration of daylight is improved, directly in line with the purpose of clause 6.3.2 (Volumetric Control in Central Darwin).

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 3 and 4(a) 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 level of active interface, of 66.8%, is considered quite reasonable. The development provides a good level of landscaping and a ground level commercial tenancy, and incorporates a building design that provides a greater level of articulation and interest than many buildings in the vicinity, the design giving a level of stimulation and pleasantness to those passing the site, which could be seen to result in ‘activity’ from the point of view of giving interest to those passing the site. The purpose of this clause, to “Promote exemplary urban design in central Darwin” is seen to be appropriately satisfied by this development.

5. Amended plans showing awnings for the full extent of the site’s frontage to Harvey Street are necessary in order for the development to show due consideration to the controls given in clause 6.3.3 (Urban Design Requirements in Central Darwin), especially noting subclause 4(a), which requests that buildings in central Darwin “Provide awnings to streets for the full extent of the site frontage that allow for the planting and growth of mature trees within the road reserve”. The provision of awnings also allows for the development to address subclause 2 of clause 5.7 (Zone...
CB – Central Business), for buildings to be “sensitive to the needs of pedestrian movement and to facilitate the creation of safe and active street frontages, and public places, and a vibrant commercial precinct”.

6. Confirmation on sight lines is required to ensure that the building does not result in undue safety concerns for pedestrians and cyclists using Harvey Street, corresponding directly with subclause 2 of clause 5.7 (Zone CB – Central Business), for buildings to be “sensitive to the needs of pedestrian movement and to facilitate the creation of safe and active street frontages”, with the intention that the central area of Darwin be developed to create a friendly and walkable environment.

7. 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.

8. In accordance with the requirements of section 51(g) of the Planning Act, a requirement has been placed on the applicant/developer to provide a Statement of Environmental Audit, under section 68 of the Waste Management and Pollution Control Act, to ensure that the site is suitable for the intended use, which is primarily residential, and that the removal of contaminated soil takes place in an appropriately controlled manner.

9. 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, and that the impact of the development does not unduly spread to the surrounding area. This is of particular relevance to the conditions and notes included in response to the comments provided by the City of Darwin and the NT Environment Protection Authority.

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

**ITEM 4**

PA2013/0698

1 X 1, 48 X 2 & 32 X 3 BEDROOM MULTIPLE DWELLINGS AND A GROUND LEVEL OFFICE/SHOP TENANCY IN A 10 STOREY BUILDING PLUS 3 LEVELS OF BASEMENT PARKING

LOT 2279 (20) HARVEY STREET, TOWN OF DARWIN

**APPLICANT**

ASHFORD GROUP

DAS tabled an addendum:- additional comments from City of Darwin

Mr Randall Ashford (Ashford Group Architects) attended.

**RESOLVED**

244/13

That, the Development Consent Authority vary the requirements of clauses 6.3.2 (Volumetric Control in Central Darwin), 5.3.3 (Urban Design Requirements in Central Darwin) and 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme, and

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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.
pursuant to section 53(b) of the Planning Act, alter the proposed development and consent to the proposed development as altered to develop Lot 2279 (20) Harvey Street for the purpose of 1 x 1 bedroom, 54 x 2 bedroom and 35 x 3 bedroom multiple dwellings and a ground level office/shop tenancy in a 10 storey building plus 3 levels of basement carparking, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to endorsement of the plans and prior to commencement of works (including site preparation), the applicant is to submit amended plans that are generally in accordance with those submitted with the application, but modified to show:

(a) The provision of awnings to the full extent of the street frontage along Harvey Street for Parcel A of Lot 2279, Town of Darwin, such that the development is in full compliance with subclause 4(a) of clause 6.3.3 (Urban Design Requirements in Central Darwin), to “Provide awnings to streets for the full extent of the street frontage that allow for the planting and growth of mature trees within the road reserve”.

(b) Evidence that the sights lines at the vehicular exit from the development to Harvey Street accord with the requirements of clause 6.5.3 (Parking Layout) of the NT Planning Scheme and give appropriate consideration to pedestrian and cyclist safety.

(c) Inclusion of louvres or similar to the central lobbies/corridors such that natural breeze penetration is made possible to these spaces, giving consideration to the design matters listed in subclauses 2(j) of clause 7.8 (Building Design of Multiple Dwellings, Hostels and Supporting Accommodation) and subclause 2 (e) of clause 8.2 (Commercial and Other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T) of the NT Planning Scheme, presenting a standard in excess of that listed in the Building Code of Australia (BCA) and showing an acknowledgement of the design considerations sought by the NT Planning Scheme, which seek to promote open designs in all developments. 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 submit a Statement of Environmental Audit, from a suitably qualified person under section 68 of the Waste Management and Pollution Control Act, certifying that the site is suitable for its intended use, and that any contaminated soil has been appropriately remediated or disposed of, to the requirements of the NT Environment Protection Authority, 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 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.

4. 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.

5. 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. The report is to be to the approval of the City of Darwin, 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. 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.

8. An Occupancy Permit under the Building Act must not be issued until the site has been subdivided in accordance with DP12/0365 and a new title has been issued for the subject parcel as relates to parent allotment, Lot 2279, Town of Darwin.

9. All balconies are to be screened to side boundaries and all ‘high level glass panels’ must be a minimum of 1.8m above the floor level of the unit onto which they face, they must be unopenable and of opaque or obscured glass, such that overlooking is not possible.

10. 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.

11. The carparking area, inclusive of all parking bays and the access aisles, must meet the standards of Australian Standard AS 2890.1 (Off-street carparking).

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

13. 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.
14. 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.

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

16. 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.

17. 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.

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. The loading and unloading of goods from vehicles must only be carried out on the subject site, and is not to disrupt the circulation and parking of vehicles on the land. All loading bays are to be line marked.

20. All air conditioning condensers are to be appropriately screened from public view, located 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.

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. No polluted and/or sediment laden run-off is to be discharged directly or indirectly onto adjacent land, roadways and stormwater drainage systems.
23. 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.

24. 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.

25. 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.

26. 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.

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

2. 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.

3. 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.
   - Internal fire fighting arrangements should be made, to the satisfaction of the NT Fire and Rescue Service, as full lot fire coverage cannot be achieved from the existing hydrants.
   - The developer will need to make an application to discharge trade waste to the Power and Water Corporation’s sewerage system.
   - The developer is responsible for safety clearance compliance between existing overhead power lines in the area and any new building or extension during construction and at its completed stage, in accordance with the NT Electricity Reform (Safety and Technical) Regulations 2000.
   - 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.

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.

5. 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.

6. The NT Environment Protection Authority advises that the transportation of any contaminated soils from the site must be conducted in compliance with the Waste Management and Pollution Control Act.

7. In the event that food is provided for customers, the business must be registered with the Department of Health and Families’ Environmental Health Greater Darwin Region and must comply with the NT Food Act 2004 and the national food safety standards: Standard 3.1.1 Interpretation and Application, Standard 3.2.2 Food Safety Practices and General Requirements and Standard 3.2.3 Food Premises and Equipment.

8. The design and construction of the food premises must comply with the NT Food Act 2004 and the national food safety standards: Standard 3.2.3 Food Premises and Equipment and the Building Code of Australia.

9. Detailed plans must be submitted to the Department of Health and Families’ Environmental Health Greater Darwin Region via a building certifier for approval prior to the construction of building works. Following approval the premises is required to be registered as a Food Business with the Department of Health and Families’ Environmental Health Greater Darwin Region prior to the use being undertaken.

10. 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.

11. 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.

12. 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.

13. The Department of Lands, Planning and the Environment advises that there are
historically significant remnants of the North Australian Railway on adjacent Lot
5940, Town of Darwin, and that the developer should be aware of the
significance of these features, and appropriate measures should be
implemented to ensure that there is no encroachment upon them.

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

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”, presenting a largely residential
development with a commercial tenancy at ground level.

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 non-compliance only affects part of the 10th level and the roof,
there being a vertical distance of less than 4m of the building that
protrudes into this Tier 2 aspect. Many portions of the building will
exceed the 6m setback requested by this clause, with just a portion of the
northeastern and southwestern-most units extending into this ‘setback
space’. The site has a large undeveloped lot to the rear, which is zoned
PS (Public Open Space), and is unlikely to be developed. Not only does
this present a circumstance from which it could be seen that impacts on
surrounding allotments would be less than for many other, similar,
alotments, but the level of non-compliance is quite minor, and not seen
to impact, in any real way, on access to views, daylight and breezes, as
per the purpose of clause 6.3.2. The two non-compliant facades also
only relate to the Tier 2 component of the building, so it is only part of
the uppermost level and the roof over for which a building length in
excess of 75% of the adjacent boundary is given. It is considered that the
building presents well to the street and gives a design that is in keeping
with the purpose of the clause, to not detrimentally impact on views,
daylight and breezes.

3. A condition has been included to the effect that all balconies are to be
screened to side boundaries and all ‘high level glass panels’ are to be a
minimum of 1.8m above the floor level of the unit onto which they face,
are to be unopenable and of opaque or obscured glass, such that
overlooking is not possible, to ensure that the design presents a more
interesting facade to side boundaries, that privacy is not impacted, and that the penetration of daylight is improved, directly in line with the purpose of clause 6.3.2 (Volumetric Control in Central Darwin).

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 3 and 4(a) 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 level of active interface, of 54.1%, is considered fairly reasonable in the context of the site and the design being presented. The development provides a good level of landscaping and a ground level commercial tenancy, and incorporates a building design that provides a greater level of articulation and interest than many buildings in the vicinity, the design giving a level of stimulation and pleasantness to those passing the site, which could be seen to result in 'activity' from the point of view of giving interest to those passing the site. The purpose of this clause, to "Promote exemplary urban design in central Darwin" is seen to be appropriately satisfied by this development.

5. Amended plans showing awnings for the full extent of the site's frontage to Harvey Street are necessary in order for the development to show due consideration to the controls given in clause 6.3.3 (Urban Design Requirements in Central Darwin), especially noting subclause 4(a), which requests that buildings in central Darwin "Provide awnings to streets for the full extent of the site frontage that allow for the planting and growth of mature trees within the road reserve". The provision of awnings also allows for the development to address subclause 2 of clause 5.7 (Zone CB – Central Business), for buildings to be "sensitive to the needs of pedestrian movement and to facilitate the creation of safe and active street frontages, and public places, and a vibrant commercial precinct".

6. Confirmation on sight lines is required to ensure that the building does not result in undue safety concerns for pedestrians and cyclists using Harvey Street, corresponding directly with subclause 2 of clause 5.7 (Zone CB – Central Business), for buildings to be "sensitive to the needs of pedestrian movement and to facilitate the creation of safe and active street frontages", with the intention that the central area of Darwin be developed to create a friendly and walkable environment.

7. Inclusion of louvres or similar to the central lobbies/ corridors is required to ensure that the development satisfies subclauses 2(j) of clause 7.8 (Building Design of Multiple Dwellings, Hostels and Supporting Accommodation) and subclause 2(e) of clause 8.2 (Commercial and Other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T) of the NT Planning Scheme. The development, as presented to the consent authority, did not provide adequate evidence that it would see
an appropriate level of liveability and amenity to its future occupants. The above clauses seek building design that allows for “breeze penetration and circulation” and maximises “energy efficiency through passive climate control measures”.

8. A variation to the requirements of clause 6.5.3 (Parking Layout) of the Planning Scheme is supported as the non-compliance given is very minor and should not impact on manoeuvrability or accessibility in any way. Additionally, a condition has been included to ensure that the entirety of the carparking area is constructed in accordance with Australian Standard AS 2890.1 (Off-Street Carparking), thereby giving an assurance that the purpose of this clause, that the “Carparking area is appropriately designed and constructed for its intended purpose of vehicular parking”.

9. 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.

10. In accordance with the requirements of section 51(g) of the Planning Act, a requirement has been placed on the applicant/developer to provide a Statement of Environmental Audit, under section 68 of the Waste Management and Pollution Control Act, to ensure that the site is suitable for the intended use, which is primarily residential, and that the removal of contaminated soil takes place in an appropriately controlled manner.

11. 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, and that the impact of the development does not unduly spread to the surrounding area. This is of particular relevance to the conditions and notes included in response to the comments provided by the City of Darwin and the NT Environment Protection Authority.

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

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**ITEM 5**

**PA2013/0750**

**APPLICANT**

TAILOR-MADE BUILDING SERVICES PTY LTD.

Mr Ray Somerville and Mr David Page (Tailor-Made Building Services Pty Ltd) attended.

**RESOLVED**

That, the Development Consent Authority vary the requirements of clause 6.5.3 (Parking Layout) and clause 9.1.1 (Industrial Setbacks) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the

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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.*
application to develop Section 4512 (99) Coonawarra Road, Hundred of Bagot for the purpose of showroom sales and warehouse addition to an existing warehouse with a reduced front and rear setback in 2 stages, 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 City of Darwin’s 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.

2. Prior to the commencement of works, the applicant is to submit a Waste Management Plan demonstrating waste disposal, storage and removal, to the requirements of the City of Darwin, 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. 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. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities and electricity and telecommunication networks to the land shown on the endorsed plan in accordance with the authorities’ requirements and relevant legislation at the time.

6. The development must proceed in the order of stages shown on the endorsed plans unless otherwise agreed in writing by the consent authority.

7. The owner shall:
   (a) remove disused vehicle and/or pedestrian crossovers;
   (b) provide footpaths/cycle ways;
   (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.

8. 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.

9. 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.
10. 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.

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

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

13. 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. 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, any proposed works (including landscaping) within Council’s roac reserve is subject to Council’s approval and shall meet all Council’s requirements to the satisfaction of the General Manager of Infrastructure, Darwin City Council and at no cost to Council.

3. This development permit does not grant ‘building approval’ for the proposed structure. The Building Code of Australia requires that any structure within 900mm of a boundary meets minimum fire resistance level requirements, and accordingly 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.

REASONS FOR THE DECISION

1. The proposal is consistent with the primary purpose of Zone G1 (General Industrial), which is to provide for general industry.

2. A variation to the requirements of clause 6.5.3 is considered acceptable in this instance as the non-compliance is relatively minor and limited to bays 33 to 39. It is considered that a general industrial use such as this would have employees who could utilise these parking spaces with little inconvenience.

3. A variation to the requirements of clause 9.1.1 is considered acceptable as the proposal is consistent with the prevailing development pattern in the area. The proposal is consistent with the purpose of clause 9.1.1 in that it provides an adequate level of visual amenity and will not impact on adjoining or surrounding land. The proposed showroom addition at
the front of the site is likely to ‘break up’ and soften the impact of the existing large blank wall, and the landscape plan submitted with the proposal shows the addition of effective plant varieties which should also soften the appearance of the building when viewed from the street.

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

**ITEM 6**  
**PA2013/0718**  
**CHANGES TO DEVELOPMENT PERMIT DP12/0163 TO RELOCATE MECHANICAL PLANT TO THE ROOF WITH OVERALL HEIGHT IN EXCESS OF 8.5M**  
**PORTION 1428 (364) STUART HIGHWAY, HUNDRED OF BAGOT**  
**APPLICANT**  
**DAVID LESTER**

Mr David Lester (Divisional Manager Ahrens Group) attended.

**RESOLVED**  
**246/13**

That, the Development Consent Authority vary the requirements of clause 6.1 (General Height Control) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application to develop Portion 1428 (364) Stuart Highway, Hundred of Bagot for the purpose of changes to Development Permit DP12/0163 to locate mechanical plant on the roof with overall height in excess of 8.5m, subject to the following conditions:

**GENERAL CONDITIONS**

1. The works carried out under this permit shall be in accordance with the drawings numbered 2013/0718/1 to 2013/0718/4 endorsed as forming part of this permit.

2. Should the Department of Defence require any changes to the design and height of the structure, the applicant would be responsible to comply with such requirements to the satisfaction of the consent authority. Alternatively should the Department of Defence require additional conditions they shall be included and endorsed as forming part of the permit, to the satisfaction of the consent authority.

3. 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.

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

NOTE:

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.

REASONS FOR THE DECISION

1. The proposal is consistent with the primary purpose of Zone LI (Light Industry), which is to provide for light industry uses or development activities that will not by their nature or their operations, detrimentally affect adjoining or nearby land.

2. A variation to the requirements of clause 6.1 (General Height Control) is acceptable as locating the mechanical plant on the roof in this light industry location will not cause any significant visual impacts when viewed from the street or adjoining land. Given its position on the rear section of the pitched roof means it will be barely visible from the Stuart Highway frontage some 30m away. It is considered that the proposal remains consistent with development provided for in zone LI (Light Industry).

3. Satisfaction of section 9.21 'Lighting in the Vicinity of Aerodromes' of the CASA Manual of Standards Part 139 is required in order to meet subclause 4 of clause 6.9 (Land in Proximity to Airports), which requires that "lighting associated with development on land within flight approach paths is not to prejudice the safe operation of an airport".

ACTION: Notice of Consent and Development Permit

ITEM 7
PA2013/0738

GROUND LEVEL RESTAURANT, BEER GARDEN, TAB AND CONFERENCE ROOM AND 30 X 1 BEDROOM AND 103 X 2 BEDROOM MULTIPLE DWELLINGS IN A 14 STOREY BUILDING PLUS 3 LEVELS OF CAR PARKING
LOT 7619 (105) MITCHELL STREET, TOWN OF DARWIN

APPLICANT: JUNE D'ROZARIO & ASSOCIATES PTY LTD

Ms June D'Rozario (June D'Rozario & Associates) and Mr Regan Anderson and Mr Robert Kerns (Halikos) attended.

Ms June D'Rozario tabled a response to the submissions.

Submitters in attendance:- Ms Marianne Conaty and Ms Sharon McKenzie.

Interested Party in attendance:- Ms Jean Doherty.
RESERVED
247/13

That, the Development Consent Authority vary the requirements of Clause 6.3.2 (Volumetric Control in Central Darwin), Clause 6.5.3 (Parking Layout) and Clause 7.5 (Private Open Space) of the Northern Territory Planning Scheme, and pursuant to section 53(b) of the Planning Act, alter the proposed development and consent to the proposed development as altered to develop Lot 7619 (105) Mitchell Street, Town of Darwin for the purpose of the ground level restaurant, beer garden, TAB and conference room and 30 x 1 bedroom and 103 x 2 bedroom multiple dwellings in a 14 storey building plus 3 levels of car parking, 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 redesign of the central corridors of Levels 4 to 15 to achieve greater compliance with Clause 7.8 (Building Design of Multiple Dwellings, Hostels and Supporting Accommodation) and 8.2 (Commercial and Other Development in Zones HR, CV, CB, SC, TC, OR, CP, FD and T) of the NT Planning Scheme to facilitate breeze penetration to dwellings on those levels and maximise energy efficiency through passive climate control measures;
   - The location of the nine parking bays approved to service the drive-through bottle shop approved via Development Permit DP02/0278; and
   - Provision of bicycle parking at ground level accessible to staff and guests.

2. Prior to the endorsement of plans and prior to commencement of works (including site preparation), the developer must provide evidence of an agreement with the Power and Water Corporation regarding the easement encroachment identified in PWC’s comments.

3. 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.

4. 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/ Department of Transport (whichever relevant), 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.

5. 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.

6. 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. The report is to be to the approval of the City of Darwin/ Department of Transport (whichever relevant), to the satisfaction of the consent authority.

7. 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 (including botanical names) of all existing vegetation to be retained and/or removed;
   (b) details of surface finishes of pathways and driveways;
   (c) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity, and quantities of each plant including planting in the communal open space and enclosed courtyards; All species selected must be to the satisfaction of the consent authority.

GENERAL CONDITIONS

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

9. 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.

10. 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.

11. 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.

12. 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.

13. 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.

14. 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.

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

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

17. 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.

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

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

20. 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.

21. 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.
22. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

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

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, 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 to allow a building length to the eastern side boundary that cover 76% of the boundary instead of the permitted 75% is considered appropriate. The margin of non-compliance is very small and is unlikely to be noticeable to any occupant of the adjoining building. Further to this, the building height is considerably lower than the permitted 90m building height in this part of Darwin which demonstrates consideration for the style and scale of surrounding properties. Reducing the length of the building by 0.77m which is the non-compliant part, is not considered to have any greater benefit on adjacent neighbours in terms of what the clause seeks to achieve.

3. Pursuant to section 51(n) of the Planning Act, the consent authority must take into account the potential impact on the existing and future amenity of the area in which the land is situated. The proposal is for construction of a new mixed use hotel and multiple dwelling building. 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 new building height is likely to impact on existing view corridors for some residents of adjacent properties given that the site has remained somewhat underutilised to date. The proposal shows consideration for these existing views where possible by providing compliant and through adherence to the maximum building heights for the core area, by even provided a building considerably below the maximum height permitted.

4. A variation to the on-site provision of parking spaces required under Clause 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme is considered appropriate as the non-compliances (that relates to parking bay and aisle widths) are both reasonable and relatively minor in terms of the overall level of compliance achieved. The inclusion of designated ‘small car’ bays is a legitimate form of parking with small cars making up a substantial portion of all vehicles.

ACTION: Notice of Consent and Development Permit
RESOLVED 248/13

That, the Development Consent Authority vary the requirements of Clause 6.5.3 (Parking Layout) and Clause 9.1.1 (Industrial Setbacks) of the Northern Territory Planning Scheme, and pursuant to section 53(b) of the Planning Act, alter the proposed development and consent to the proposed development as altered to develop Portion 1836 (151) Coonawarra Road, Hundred of Bagot for the purpose of an office extension to an existing warehouse and ancillary office, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans submitted with the application but modified to include:
   - Verge landscaping to the requirements of the City of Darwin, to the satisfaction of the consent authority.

2. Prior to the endorsement of plans and prior to the commencement of works, 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.

3. 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 City of Darwin, 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 development 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 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.

8. The owner shall:
   (a) remove disused vehicle and/or pedestrian crossovers;
   (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, to the satisfaction of the consent authority.

9. 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.

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

11. 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.

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

15. Storage and collection for waste disposal bins is to be provided to the requirements of Darwin City Council 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. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to Council.

3. Notwithstanding the approved plans, proposed landscaping, footpaths and other works within the road reserve are subject to Council’s approval and shall meet all Council’s requirements to the satisfaction of the Darwin City Council and at no cost to Council.

REASONS FOR THE DECISION

1. The proposed development is generally consistent with the purpose of Zone GI (General Industry) which is to ‘provide for general industry’.

3. A variation to Clauses 6.5.3 (Parking Layout) and 9.1.1 (Industrial Setbacks) is considered appropriate in this instance as the landscaping provided on site is still considered to achieve the intent of both clauses in that it lessens the visual impact of the parking areas and development when viewed from the streetscape. The non-compliance with the building setback requirements is primarily caused by the siting of the existing building and extension of this structure with altered (and compliant) setback is considered to result in an unnecessarily ‘stepped’ building which would result in no greater benefit to users of the subject site or surrounding properties.

ACTION: Notice of Consent and Development Permit

| ITEM 9 | VERANDAH ADDITION TO AN EXISTING MULTIPLE DWELLING WITH A |
| PA2013/0714 | REDUCED SIDE SETBACK |
| LOT 5154 (29) ROSEWOOD CRESCENT, TOWN OF SANDERSON | |
| APPLICANT | BENCK MARKETING SERVICES PTY LTD. |

Ms Wendy Hutchinson (Benck Marketing Services Pty Ltd) attended.

RESOLVED

249/13 That, pursuant to section 53(a) of the Planning Act, the Development Consent Authority consent to the application to develop Unit 2, Lot 5154 (29) Rosewood Crescent, Town of Sanderson, for the purpose of a verandah addition to an existing multiple dwelling with a reduced side setback, 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 City of Darwin stormwater drainage system shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority.

GENERAL CONDITIONS

2. Works carried out under this permit shall be in accordance with the drawings numbered Job D608 (Site Plan) and Job D608 (Elevations and Roof Plan), prepared by Patio World NT and endorsed as forming part of this permit, as amended in accordance with the plan endorsed in response to Conditions Precedent 1 of this Development Permit.

3. 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.

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.

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. This development permit does not grant building approval for the proposed structure. The Building Code of Australia requires that certain structures within 900mm of a boundary meets minimum fire resistance level requirements and you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing demolition or construction works.

3. Notwithstanding the approved plans, any proposed works (including landscaping) within Council's roac reserve is subject to Council's approval and shall meet all of 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.
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 development is considered to be consistent with:
   a) the purpose of Zone MD (Multiple Dwelling Residential) of the NT Planning Scheme (the Planning Scheme) which is to provide for a range of housing options to a maximum height of two storeys above ground level; and
   b) the form of development reasonably expected within Zone MD of the Planning Scheme.

2. Clause 2.5.3 of the Planning Scheme allows the Development Consent Authority discretion to consent to development that does not meet a standard set out in Part 4 of the Planning Scheme only if it is satisfied that special circumstances justify the giving of consent. There are a number of circumstances (as follows) which exist in relation to the proposed development which, collectively are considered to constitute a reasonable basis for supporting the requested variation:
   a) While the proposed verandah does not comply with the minimum side setback requirements, its visual impact on adjoining Lot 5155 is not expected to be discernibly different to a similarly designed verandah with a 1.5m side setback to the support columns and a 0.6m side setback to the roof.
   b) The verandah roof is to be setback 7.4 metres from the street frontage, exceeding the minimum setback distance by 3.8 metres and minimising any potential impact on the streetscape.
   c) Existing fencing and landscaping on the site and adjoining Lot 5155 may be expected to assist in integrating the verandah addition into the established development.
   d) The proposed development is not expected to have any material impact on the streetscape or the amenity of adjoining Lot 5155 or Unit 3, Lot 5154, nor to frustrate the purpose of clause 7.3 of the Planning Scheme on account of the reduced setback.

3. The conditions of approval and development notes may be expected to assist in ensuring that:
   a) stormwater collected by the verandah roof is appropriately managed; and
   b) the development does not unduly impact on occupants of neighbouring properties or service authority assets.
4. The application was referred to the local authority and publicly exhibited in accordance with the Planning Act and the Planning Regulations and no submissions under section 49 of the Planning Act were received.

ACTION: Notice of Consent and Development Permit

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

PETER MCQUEEN
Chairman

15/11/13