



**DEVELOPMENT CONSENT AUTHORITY**

**DARWIN DIVISION**

**MINUTES**

**MEETING No. 224 – FRIDAY 24 JANUARY 2014**

**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), Sally Cunningham, Kirrily Chambers and Jack Priestly (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Mikaela McNamara and Nadine Douglas

**Meeting opened at 9.30 am and closed at 10.45 am**

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

**ITEM 1**                    **303 BED STUDENT ACCOMMODATION DEVELOPMENT IN AN**  
**PA2013/0765**            **8 STOREY BUILDING INCLUDING GROUND LEVEL CAR PARKING**  
**APPLICANT**            **PART LOT 9576 (247) TROWER ROAD, TOWN OF NIGHTCLIFF**  
**JUNE D'ROZARIO & ASSOCIATES**

Ms June D'Rozario sent her apologies.

Mr Peter McMillan (GPT), Mr Dick Guit (General Manager, Sitzler), Mr Toby Preece (Sitzler), and Mr Ben Gill (General Manager, Casuarina Square) attended the meeting on behalf of the applicant.

Mr McMillan tabled a set of 46 amended plans.

**RESOLVED**            That, the Development Consent Authority in accordance with the NT Planning  
**03/14**                    Scheme:

- grant a reduction to the parking requirements of Clause 6.5.1 (Parking Requirements) by virtue of clause 6.5.2 (Reduction in Parking Requirements) from 64 to 31 spaces;
  - impose a higher standard of 39% of the 'development area' being 2.6 times that which would generally be required by Clause 7.6 (Communal Open Space) by virtue of Clause 2.5 (Exercise of Discretion); and
  - vary the requirements of clauses 6.5.3 (Parking Layout), 7.1.2 (Residential Height Limitations), 7.6 (Communal Open Space), and
- pursuant to section 53(b) of the *Planning Act*, alter the proposed development and consent to the proposed development as altered to develop part Lot 9576 (247) Trower Road, Town of Nightcliff for the purpose of a 303 bed student accommodation development (hostel) in an 8 storey building including ground level 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 generally in accordance with the plans submitted on 24 January 2014 but modified to show car park screening similar to the detail shown on plan number A1010 issue B 2013 titled 'Screen Details' (drawn by ALTIS Architecture).
2. Prior to the commencement of works (including site preparation), the applicant is to prepare an amended Traffic Impact Assessment report prepared in accordance with the Austroads document 'Guide to Traffic Management Part 12: Traffic Impacts of Developments' in the report structure provided at Appendix C of that document, with particular attention to vehicular,

pedestrian, cyclist and public transport issues and opportunities. The report is to be prepared in consultation with, and to the approval of, both the City of Darwin and the Department of Transport, to the satisfaction of the consent authority.

3. Prior to the commencement of works (including site preparation), a Construction and Traffic Management Plan (CTMP) must be submitted to and approved by the consent authority. When approved, the CTMP will be endorsed and will then form part of the permit. The CTMP must include, but not necessarily be limited to, the following:
  - how the development will manage the free flow of traffic (including public transport) during the construction period, including details of haulage routes as required by the City of Darwin and the Public Transport Division of the Department of Transport; and
  - measures to minimise the loss of use of existing car parking spaces during the construction stage.
4. Prior to the commencement of works (including site preparation), the applicant is to prepare a schematic plan demonstrating all stormwater to be collected on the site and discharged underground to Council's stormwater drainage system, to the requirements of City of Darwin, to the satisfaction of the consent authority.

#### **GENERAL CONDITIONS**

5. Before the use/occupation of the development starts 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.
6. Works carried out under this permit shall be in accordance with the plans endorsed as forming part of this permit.
7. Before the use/ occupation of the development starts, a Car Parking Management Plan for the use 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 include, but not necessarily be limited to, the following:
  - measures to restrict and control student car ownership;
  - measures to ensure student/ visitor vehicles are not parked within car parking spaces not designated for this development, or on surrounding street;
  - operational and management details of any car share scheme;
  - procedures for monitoring, investigating and reporting; and
  - procedures to receive and address complaints and infringements including the position and details of the Manager (or other nominated person, recording mechanisms of complaints received and infringements identified and actions undertaken.

8. All works are to be in accordance with the approved Construction and Traffic Management Plan to the satisfaction of the consent authority.
9. Before the use/ occupation of the development starts, all works identified within the Traffic Impact Assessment and any other works as required by City of Darwin and the Department of Transport are to be undertaken to the requirements of, and at no cost to, City of Darwin and/ or the Department of Transport as the case may be, to the satisfaction of the consent authority.
10. Before the use/ occupation of the development starts, written confirmation from a qualified Traffic Engineer that the car parking spaces and accessways comply with the relevant Australian Standard for car parking must be provided in instances where car parking does not comply with the minimum requirements of clause 6.5.3 (Parking Layout) of the NT Planning Scheme, to the satisfaction of the consent authority.
11. Before the use/ occupation of the development starts, plans of the locations of existing and proposed air conditioner units, cooling towers, exhaust vents and the like within the site and for the proposed development, and details of measures to limit the impact of noise, odours, fumes, smoke and the like from those elements on the use are to be submitted to the requirements of the Department of Health, to the satisfaction of, the consent authority.
12. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage, electricity facilities, and telecommunication networks to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
13. 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.
14. 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.
15. The owner shall:
  - (a) remove disused vehicle and/ or pedestrian crossovers;
  - (b) provide footpaths/ cycleways;
  - (c) collect stormwater and discharge it to the drainage network; and
  - (d) undertake reinstatement works;all to the technical requirements of and at no cost to 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) 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.
17. 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.
  18. 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.
  19. 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.
  20. No fence, hedge, tree or other obstruction exceeding a height of 0.6 m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
  21. Soil erosion and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
  22. All balconies are to be internally drained and discharge is to be disposed of at ground level and in a manner consistent with stormwater disposal arrangements for the site to the satisfaction of the consent authority.
  23. All air conditioning condensers 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.
  24. Storage and collection for waste disposal bins is to be provided to the requirements of City of Darwin, to the satisfaction of the consent authority.
  25. All proposed works (including provision/ upgrading of services) within, or impacting upon, the Trower Road road reserve shall be in accordance with the standards and specifications of the Department of Transport. Design drawings must be submitted to the Director Roads for Road Agency Approval and no works within, or impacting upon, the NT Government road reserve are to commence prior to gaining approval.
  26. The finish of any Prime Identification signs, if erected, shall be such that, if illuminated, day and night readability is the same and is of a constant display (ie. not flashing or variable message). The sign shall be positioned so as not to create sun or headlight reflection to motorists.
  27. External lights must be designed, baffled and located to the satisfaction of the consent authority to prevent any adverse effect on adjoining land and roads,

and on the operation of the RAAF Base Darwin and Darwin International Airport.

28. No further subdivision of the development area to create either a separate development parcel or unit titling is permitted (for clarity this includes subdivisions for the purpose of a lease in excess of 12 years).
29. Any approvals or documentation issued under the NT *Building Act* in relation to the development approved by this permit are to be for a Class 3 building as described in the National Construction Code 2013.
30. In the instance that the development approved by DP13/0697 and/or DP13/0124 precede or coincide with the development approved by this permit, amended plans addressing any consequent relocation of car parking (for the hostel or for replacement bays) are to be submitted to the consent authority for approval prior to the commencement of the use.

**NOTES:**

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/ or surrounding infrastructure.
2. The 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.
3. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities.
4. The site is subject to the "Airports (Protection of Airspace) Regulations" and "The Defence Areas Control Regulations". Any structures (including temporary structures) intruding within protected airspace including, but not limited to, additional buildings, light poles, cranes used during construction etc. requires approval by Darwin International Airport and/ or the Department of Defence.
5. Darwin International Airport advises that the site is within extraneous lighting Zone D, and the lighting must comply with Section 9.21 "Lighting in the Vicinity of Aerodromes" of the CASA Manual of Standards Part 139, available at <http://www.casa.gov.au/wcmswr/assets/main/rules/1998casr/139/139mfull.pdf>.
6. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the Building Code of Australia, the NT Public Health Act and Regulations, the NT Food Act and National Safety Standards.

7. Notwithstanding the approved plans, any works within Council's road reserve 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.
8. The Developer, his Contractor or Service Provider is required to obtain a "Permit to Work within a Road Reserve" from the Department of Construction and Infrastructure prior to the commencement of any works within the Trower Road road reserve.
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.

### **REASONS FOR THE DECISION**

1. A variation to clause 7.1.2 (Residential Height Limitations) to allow an 8 storey building where a 3 storey maximum limit would otherwise apply as the development is considered to demonstrate special circumstances in the context of its location; specifically it is expected to improve the amenity of the locality by providing an active use in an otherwise underutilised service area, allow for passive surveillance and activation of public spaces whilst not unduly overlooking adjoining properties and whilst it is significantly higher than adjoining and nearby existing development, it is considered suitable in the context of the existing commercial centre and its role as a major activity centre where increased density and mixed uses are reasonably anticipated and encouraged by relevant planning principles of the NT Planning Scheme.
2. In accordance with Clause 2.5 (Exercise of Discretion) it is determined that a higher standard of development than is set out in Clause 7.6 (Communal Open Space) is required to satisfy the purpose of the clause in the context of this application and having regard to the significant variation granted to the maximum height requirement and the consequent increase in density of occupation; specifically a requirement for 2.6 times the minimum required communal open space is imposed (39% instead of 15%).

Additionally it is determined that there are special circumstances that justify a variation to the requirement of Clause 7.6 to allow it to be assessed having regard to the 'development area' instead of the 'site' area noting that the 'development area' includes all areas of the site that are for the exclusive use of occupants of the hostel and required by this permit (approximately 2033 m<sup>2</sup> including parking spaces, motorcycle parking areas, bicycle parking and the building footprint).

Further a variation is granted to the requirements of Clause 7.6 to allow the assessment of the required space to include shared balcony areas associated with suites as well as all internal and external common areas that incorporate facilities that can be used for recreation and/or socialisation (including those that do not meet the minimum 6 m width requirement), subject to their being included a communal outdoor BBQ deck (with minimum dimensions of 6 metres and an area of not less than 90 m<sup>2</sup>). This is in recognition of the hierarchy of spaces design philosophy identified in the application for on-site shared and common spaces, the multi-use nature and opportunities for common recreation spaces and nearby public facilities and opportunities including Casuarina Shopping Centre, the public library and the Charles Darwin University's facilities to support students.

3. A variation to the requirements of Clause 6.5.3 (Parking Layout) to allow parking spaces to be located within 3 metres of the street frontage and to allow parking areas of lesser dimensions than would otherwise be required is supported on the basis that the proposed design will continue to satisfy the purpose of the clause as:
  - all vehicle parking areas will comply with the relevant Australian Standards (to be confirmed by an engineer);
  - the proposal does not physically alter the existing parking (Trower Road spaces); and
  - a slatted screen fence is provided to screen parking areas within 3 m of the frontage.
4. A reduction to Clause 6.5.1 (Parking Requirements) through Clause 6.5.2 (Reduction in the Parking Requirements) for the hostel to allow 31 parking spaces instead of 64 is in recognition of:
  - the proximity of the site to public transport;
  - the provision of 40 motor cycle bays and 80 bicycle bays;
  - the primary resident destination being the Charles Darwin University; and
  - the car share scheme and restrictions on car ownership to be imposed through management processes and procedures, the details of which and management of which are required by a Car Parking Management Plan under a condition of this permit.
5. A condition restricting subdivision of the site (including for the purpose of a lease in excess of 12 years) is included to ensure the applicant is aware of the limitations imposed on the development by clause 7.9 (Residential Development in Zone C) of the NT Planning Scheme which includes a non-discretionary requirement that residential buildings in Zone C include ground floor occupancies for commercial activity of a floor area that is consistent with the service function of the site. The DCA in determining this application has assessed compliance with this requirement having regard to the overall development on the Casuarina Shopping Square 'site' and any attempt to separately title this building/development would in the DCA's view be prohibited under the NT Planning Scheme.



6. A condition restricting the issue of any permits and approvals under the NT *Building Act* in relation to the development approved by this permit will ensure that the applicable structural and design requirements under the National Construction Code support and acknowledge the use has been categorised and assessed as a hostel.
7. The requirements for an amended Traffic Impact Assessment and Traffic and Construction Management Plan are to ensure that the traffic issues are properly assessed and managed for both the construction and operational stages of the development.
8. A condition requiring the submission and approval of amended plans in the circumstance that other approved developments for the Casuarina Shopping Centre site precede or coincide with the works approved under this permit will ensure ongoing provision of the required car parking for the overall site is maintained.

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

**ITEM 2  
PA2013/0740**

**8 X 2 BEDROOM MULTIPLE DWELLINGS IN A 3 STOREY BUILDING WITH  
GROUND LEVEL CAR PARKING  
LOT 4899 (23) SOMERVILLE GARDENS, TOWN OF DARWIN  
ROSSI ARCHITECTS**

**APPLICANT**

Mr Rossi Kourounis and Mr Brodie McDonald (Rossi Architects) attended.

Submitters in attendance: - Ms Marion Gordon and Mr Alan Cook.

**RESOLVED  
04/14**

That, the Development Consent Authority vary the requirements of Clause 7.3 (Building Setbacks of Residential Buildings), Clause 7.3.1 (Additional Setback Requirements for Residential Buildings longer than 18m and for Residential Buildings Over 4 Storeys in Height) and Clause 7.6 (Communal 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 4899 (23) Somerville Gardens, Town of Darwin for the purpose of 8 x 2 bedroom multiple dwellings in a 3 storey building with ground level car parking, 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 show:
  - a. Compliant building setbacks to the eastern property boundary adjoining Lot 5310 that meet the requirements of Clause 7.3.1 (Additional Setback Requirements for Residential Buildings longer Than 18 metres and for

- Residential Buildings Over 4 Storeys in Height) of the NT Planning Scheme without alteration to the western, rear and front building setbacks shown on plan SK01 revision C dated 19-12-13 (drawn by Rossi Architects);
- b. Inclusion of additional fixed screening to balconies that face the rear boundary to a height of 1.5m above floor level to obscure views and prevent undue overlooking into adjoining properties (e.g. frosted glass/panels);
  - c. An eave/roof overhang that projects no more than 0.9m into the required building setback from the rear property boundary as required by Clauses 7.3 and 7.3.1 of NT Planning Scheme; and
  - d. A landscape plan that is generally consistent with the details shown on landscaping plan SK04 revision C dated 19-12-13 (drawn by Rossi Architects) but modified to include a planting schedule of all proposed trees, shrubs and ground covers (including existing vegetation to be retained), including botanical names, common names, sizes at maturity, and quantities of each plant.
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare an Environmental Construction Management Plan (ECMP), to the requirements of the City of Darwin, to the satisfaction of the consent authority. The ECMP is to address how construction will be managed on the site, and is to include details of the haulage of excavated and new materials, traffic management for construction vehicles, fencing and hours of construction.
  3. 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.
  4. Prior to the commencement of works (including site preparation), the applicant is to prepare a schematic plan demonstrating all stormwater to be collected on the site and discharged underground to Council's stormwater drainage system, to the requirements of City of Darwin and to the satisfaction of the consent authority.
  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.

## **GENERAL CONDITIONS**

6. The works carried out under this permit shall be in accordance with drawing numbers endorsed as forming part of this permit.
7. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity to

the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

8. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
9. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the City of Darwin, to the satisfaction of the consent authority.
10. 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.
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) line marked to indicate each car space (where appropriate); and
  - e) drained;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 plan(s) must be available at all times for the exclusive use of the occupants of the development and their guests.
13. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the consent authority.
14. 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.
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. 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.
17. 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.

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

#### **NOTES:**

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. The Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency's Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
3. A "Permit to Work Within a Road Reserve" may be required from the City of Darwin before commencement of any work within the road reserve.

#### **REASONS FOR THE DECISION**

1. The proposal to construct 8 x 2 bedroom multiple dwellings in a three storey building is consistent with the primary purpose of Zone MR (Medium Density Residential) which is to provide for a range of housing options to a maximum height of four storeys above ground level. Use of land in Somerville Gardens consists predominantly of multiple dwelling developments ranging from single to four storey designs. The scale, character and architectural style of this development is considered to be consistent with that of nearby developments with similar MR zoning and future development reasonably anticipated.
2. A variation to Clauses 7.3 (Building Setbacks of Residential Buildings) and 7.3.1 (Additional Building Setback Requirements for Residential Buildings longer Than 18 metres and for Residential Buildings Over 4 Storeys in Height) to allow the development to have reduced front and western side setbacks is considered appropriate as:
  - The site has an irregular front boundary with the unusual shape making it difficult to avoid encroachment on this boundary particularly. The verge width however is wide and will minimise the impact of the encroachment on the streetscape. The purpose statement of Clause 7.3 seeks residential buildings to be located so as to be compatible with the streetscape and surrounding development. The identified unusual alignment of the front boundary may represent special circumstances to support the proposed development, especially considering that if the

streetscape of the south-eastern side of the Somerville Gardens frontage continued along the same alignment as the south-western frontage, the development could conform;

- The amended design provides greater articulation to the side elevations through use of balconies at either end, varied setbacks to the affected boundaries and a variety of building materials and window heights. Placement of the central breezeway/stairwell further articulates the form of the 26m long building and both provides a defined gap and allows for breezes to move freely through and between buildings on the site. Inclusion of the breezeway and its particular design allows relief to the affected boundaries by providing a 2.1m deep recess for a distance of 2.7m and an increased overall setback of 3.8m from the western boundary. The lowered roof level over the breezeway is considered to further add interest to the side elevations and reduce any visual bulk as viewed from these boundaries. The combination of these design features are considered to minimise building massing and the visual bulk of the building and the application is therefore considered to adequately address the objective of this clause; and
  - For the reasons provided above, the design of the residential building is considered to be consistent with the purpose of both clauses, which seek to ensure that residential buildings are located so as to minimise any adverse effects of building massing and visual bulk when viewed from adjoining land and the street.
3. Given the 3m wide sewerage easement located along the rear boundary, the capacity for planting of larger tree species in this area may be limited and the requirement to provide additional fixed screen treatment to rear facing balconies is intended to ensure any views from upper level balconies are sufficiently obscured.
  4. A variation to Clause 7.6 (Communal Open Space) to allow the Communal Open Space provided to have a width of less than 6m is considered appropriate in this instance as:
    - The proposal provides 144m<sup>2</sup> of communal open space or 17% of the site area. This exceeds the minimum area required by this clause by 16.2m<sup>2</sup>;
    - The site's capability of meeting the dimensional requirements of this clause could be considered to be constrained by the unusual alignment of the front boundary. If the front boundary had a more traditional alignment, the site would become more usable and it would be easier for the development to comply with the dimensional requirement of this clause; and
    - Overall the communal open space is expected to be pleasant and functional despite the non-compliant dimensions and therefore meets the objective of the clause.
  5. Pursuant to section 51(n) the consent authority must give consideration to the potential impact on the existing and future amenity of the area in which the land is situated. The proposal is assessed as consistent with the style and scale of development expected of land in Zone MR. The design meets most of the setback requirements ordinarily imposed by the

Planning Scheme but is unable to satisfy the additional setbacks to the western boundary required due to the length of the building. The design provides articulation to each perspective through use of balconies, varied setbacks and windows of varied heights, style and locations. The roof design has clean and simple lines which further reduces the visual bulk of the building. The design meets most other minimum standards of the Scheme including on-site car parking, car park design, landscaping and private open space which are designed to ensure no undue adverse impacts on the neighbourhood occur as a result of the development. The design is considered to be in keeping with the scale and character of development already developed in Somerville Gardens and the style of development reasonably anticipated in the future. Additional screening required to the rear facing balconies will obscure view lines into adjoining properties and minimise undue overlooking.

6. Pursuant to section 51(e) the consent authority must give consideration to any submission received under section 49, and any evidence or information received under section 50, in relation to the development application. Five public submissions were received during the initial public exhibition of the proposal. Key issues raised by submitters primarily related to the impact that the three storey development would have on privacy on adjacent properties, and more notably the impact on adjacent Zone SD (Single Dwelling) land. Other issues raised included the potential impact on breezes, traffic congestion/safety and the lack of sufficient proposed landscaping. The amended proposal was circulated to all public submitters for information with three providing comments confirming continued objection to the development. The amended proposal is considered to reasonably address issues raised in submissions through achieving better compliance with the requirements of Clause 7.3 and 7.3.1 of the NT Planning Scheme by reducing the size and height of the building, together with the provision of additional site landscaping, inclusion of extra window screens and alterations to the façade treatments to add greater articulation and minimise the bulk of the building as viewed from neighbouring land.

**ACTION:** Notice of Determination

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



**PETER MCQUEEN**  
Chairman

29/1/14