DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 225 – FRIDAY 7 FEBRUARY 2014

BROLGA ROOM
NOVOTEL DARWIN ATRIUM
100 THE ESPLANADE
DARWIN

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

APOLOGIES: Garry Lambert

OFFICERS PRESENT: Margaret Macintyre (Secretary), Linda Henning, Kirrily Chambers and Dawn Parkes Sally Cunningham and Jack Priestly (Development Assessment Services) and Jan Kinsella (Lands Planning)

COUNCIL REPRESENTATIVE: Cindy Robson (Strategic Planner) (Item 6 only)

Meeting opened at 10.00 am and closed at 12.30 pm
ITEM 1
PA2013/0962
2 X 3 BEDROOM MULTIPLE DWELLING ADDITIONS TO AN EXISTING
DWELLING IN A SEPARATE 2 STOREY BUILDING
LOT 3735 (3) HELMPAN STREET, TOWN OF DARWIN
APPLICANT
DEAN CHAMBEYRON

DAS tabled amended plans from the applicant.

Mr Dean Chambeyron attended.

Submitter Mr John Plummer sent his apologies.

Submitters in attendance:-- Mrs Rosi Plummer and Mr Richard Pye.

RESOLVED
24/14
That, pursuant to section 46(4)(b) of the Planning Act, the Development Consent
Authority defer consideration of the application to develop Lot 3735 (3) Helpman
Street, Town of Darwin for the purpose of 2 x 3 bedroom multiple dwelling addition
to an existing dwelling in a separate 2 storey building, to require the applicant to
provide the following additional information that the Authority considers necessary in
order to enable the proper consideration of the application:
• detailed floor and elevation plans to demonstrate the interface between existing
dwelling and proposed units, and include detailing of windows and screening
of the proposed units;
• detailed plans showing complian: private open space for the existing dwelling
as per the requirements of Clause 7.3 (Private Open Space) of the NT Planning
Scheme;
• detailed plans that demonstrate how safe and convenient access will be
provided for residents/guests of proposed units 1 and 2, noting the design
amendments required relating to private open space for the existing dwelling.
• landscaping plans that include the adjoining road reserve and are designed to
preclude opportunities for the parking of vehicles on verge areas. Landscaping
is to be to the requirements of the City of Darwin to the satisfaction of the
consent authority;
• detailed plans that include fencing of side boundaries for privacy purposes in
consultation with the neighbours and to the satisfaction of the consent
authority.

REASON FOR THE DECISION

1. Pursuant to section 46(4)(b) the consent authority may require the
applicant to provide addition information that it considers necessary to
enable proper consideration of the proposal. The level of detail provided
with the application is not sufficient to allow proper consideration of the
required variations and the overall impact on the proposed development
and surrounding land.

ACTION: Advice to Applicant

Page 2 of 23
CARPORT AND GARAGE WITH A FIRST FLOOR ENTERTAINMENT AREA
ADDITION TO AN EXISTING SINGLE DWELLING WITH A REDUCED SIDE
SETBACK
LOT 1325 (10) SNIPE COURT, TOWN OF SANDERSON
APPLICANT
ABP PERMITS PL

Mr Chris Lovewell (ABP Permits) and Ms Louise Andrew (Lou’s Design and Drafting) attended.

RESOLVED
25/14
That, pursuant to section 53(c) of the Planning Act, the Development Consent Authority refuse to consent to the application to develop Lot 1325(10) Snipe Court, Town of Nightcliff for the purpose of a carport and garage addition to an existing single dwelling and a reduced side setback for the following reasons:

REASONS FOR THE DECISION

1. The proposal seeking a variation to Clause 6.11 (Garages and Sheds) and Clause 7.3 (Building Setbacks of Residential Buildings) to allow for a carport, garage and first floor entertainment unit is not an appropriate use of the site due to the likelihood of reduced amenity of the general area, in particular the adjoining parklands, zoned PS (Public Open Space).

2. The reduced site setback of the proposed garage and entertainment unit is likely to have a negative impact on the adjacent parklands due to the visual impact of the two-storey wall on the public open space area and general bulk within zone SD (Single Dwelling Residential), to which the primary purpose is to provide for single dwellings on individual lots.

ACTION: Notice of Refusal

SHOWROOM ADDITIONS, TWO STOREY CARPARKING STRUCTURE AND
UPGRADES TO EXISTING COMMERCIAL DEVELOPMENT
LOTS 4554 & 9585 (362 & 356) BAGOT ROAD, LOT 6191 (14) KELSEY CRESCENT & LOT 8634 (15) FITZGERALD STREET, TOWN OF NIGHTCLIFF
APPLICANT
BELL GABBERT ASSOCIATES PTY LTD

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

RESOLVED
26/14
That, the Development Consent Authority vary the requirements of clause 6.1 (General Height Controls), 6.6 (Loading Bays) and grant a reduction in parking requirements pursuant to clause 6.5.2 (Reduction in Parking Requirements) of the NT 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 Lots 4554, 6191, 8634 & 9585 (362 Bagot Road, 14 Kelsey Crescent, 15 Fitzgerald Street & 356 Bagot Road), Town of Nightcliff for the purpose of showroom sales additions, 2 storey car parking structure and upgrades to existing commercial development, subject to the following conditions:

Page 3 of 23

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.
CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

   (a) The removal of the existing 13 car parking bays located in the vicinity of the southern boundary of Lot 8634;
   
   (b) A minimum 9 metre wide landscaped buffer along the southern boundary of Lot 8634;
   
   (c) An appropriate and safe connection for pedestrians linking the Millner Primary School site and Fitzgerald Street should discussions between the applicant and Millner Primary School identify this as a desirable outcome to support student movements;
   
   (d) Safe and accessible pedestrian access throughout the Jape Homemaker Village site that provides legible pedestrian connections between buildings that accommodate appropriate access for persons with a disability (noting that the removal of some car parking bays may be required but should be minimised);
   
   (e) Clear demonstration of the location of disabled parking bays across the Jape Homemaker Village with appropriate access and connection to adjoining buildings;
   
   (f) The location of bicycle parking facilities for the Jape Homemaker Village site that are generally consistent with the provision rates identified in the Austroads ‘Cycling Aspects of Austroads Guides Appendix F; and
   
   (g) The provision of specific parking opportunities dispersed across the Jape Homemaker Village that are for use by motorcycles and which comply with relevant Australian Standards (noting that the removal of some car parking bays may be required but should be minimised).

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. The plan shall include details of site levels and Council’s stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council’s system.

3. Prior to the endorsement of plans and prior to the commencement of works, a Waste Management Plan demonstrating waste disposal, storage and removal in accordance with the City of Darwin’s requirements shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority.

4. Prior to the commencement of works, a Construction Management Plan (CMP) is to be submitted and approved by the consent authority. The CMP is to address but is not limited to demonstrating construction waste management methodologies, traffic control (including any required road closures), provision of parking for construction workers and minimisation of the loss of customer
parking during the construction phase, haulage routes, stormwater drainage and erosion and sediment control measures, and onsite delivery of materials, goods and concrete and any use of City of Darwin and Department of Transport road reserves during construction. The CMP is to be in accordance with the City of Darwin and Department of Transport's requirements (as the case may be) to the satisfaction of the consent authority and once approved will form a part of this permit.

GENERAL CONDITIONS

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

6. The construction of the development is to be undertaken in accordance with the endorsed Construction Management Plan to the satisfaction of the consent authority.

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

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

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

10. 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.

11. 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 Department of Transport (as the case may be), to the satisfaction of the consent authority.

12. All proposed works impacting on public roads are to be designed, supervised and certified on completion by a practising and registered civil engineer, and shall be in accordance with the standards and specifications of the City of Darwin and Department of Transport (as the case may be). Drawings must be submitted to the Council or Senior Director, Road Network Division of the Department of Transport for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".
13. 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.

14. Provision must be made on the land for the storage and collection of garbage and other solid waste to the requirements of the City of Darwin and in accordance with the approved Waste Management Plan to the satisfaction of the consent authority.

15. Where unfenced, the Bagot Road frontage is to be appropriately fenced in accordance with the Department of Transport’s standards and requirements to the satisfaction to the consent authority.

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

17. The 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/clients.

18. "No entry/no exit" signs and arrows directing the internal traffic movement on site shall be provided at completion of building to the requirements and satisfaction of the consent authority.

19. The loading and unloading of goods from vehicles must only be carried out on the land (within the designated loading bays and must not disrupt the circulation and parking of vehicles on the land).

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

21. 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.

22. 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.
23. 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.

24. 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.

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

NOTES:

1. This permit will expire if one of the following circumstances applies:
   (a) the development and use is/are not started within two years of the date of this permit; or
   (b) the development is not completed within four years of the date of this permit. The consent authority may extend the periods referred to if the required application is made before the permit expires.

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. A “Permit to Work Within a Road Reserve” may be required from City of Darwin and/or Department of Transport before commencement of any work within any road reserve.

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

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

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

7. Any floodlighting or security lighting provided on site should be shielded in a manner to prevent the lighting being noticeable or causing nuisance to road traffic.
8. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from Department of Land Resource Management.

9. Notwithstanding the approved plans, the demonstrated awnings in the Bagot Road and Fitzgerald Street road reserves is subject to Department of Transport and City of Darwin approval (as the case may be) at no cost to either that Department or Council.

10. 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.

**REASONS FOR THE DECISION**

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into consideration the NT Planning Scheme that applies to the land.

A variation to the maximum height requirement of clause 6.1 (General Height Controls) that applies to development within Zone SD4 (Specific Use Darwin 4) is granted as the proposed new showroom development incorporates building elements of varied heights that minimise any potential visual impact and the development is of a scale that is generally consistent with other existing development on the site.

A variation to the requirement of clause 6.6 (Loading Bays) to allow the provision of a single new loading and delivery area instead of separate loading bays for each new tenancy is supported as the new loading area is significantly larger than the minimum dimensions required and will allow deliveries to occur safely away from other site users. Additionally the new tenancy located on Lot 4554 will have access to the existing shared loading dock facility located on that site.

A reduction of the clause 6.5.1 (Parking Requirements) for the development having regard to Clause 6.5.2 (Reduction in Parking Requirements) is approved noting that a target of 800 car parking bays is considered suitable having regard to the requirements of Condition Precedent 1 of the development permit to incorporate specific motor cycle parking opportunities and bicycle parking areas/facilities dispersed across the site as well as a safe and legible pedestrian network within the site that supports movement between the various buildings that comprise the Jape Homemaker Village.

Furthermore the reduction in parking requirements is supported as the overall provision rate across the 4 lots within the Jape Homemaker Village is largely consistent with the provision rate that has proved to be operationally suitable over the many years of the site’s operations and car
parking within the precinct is communally available and accessible supporting cross usage and parking efficiencies.

2. Pursuant to sections 51(n) and 51(p) of the Planning Act, the consent authority must take into consideration the potential impact on the existing and future amenity of the area and the public interest.

Amendment of the advertised application to require:

- the removal of existing parking in the vicinity of the southern boundary of Lot 8634 and the construction of the minimum 9 metre wide landscaped buffer is in the consent authority’s opinion important to secure the future amenity of the adjoining residential properties and is considered preferable to varying the vehicular access requirements. Additionally parking in this area is not considered to be in the public interest as it is not passively visible and does not support community safety by design principles;

- exploration of the possibility of providing pedestrian access connections through the site to the Millner Primary School is considered to represent an positive community opportunity however it must only occur if it is suitable and advantageous to the adjoining school and can occur in a manner which supports safe usage by students and staff; and

- the provision of amended plans showing safe and legible pedestrian connections, disable parking and access and bicycle and motorcycle parking throughout the Jape Homemaker Village are in the consent authority’s opinion important for securing the future safe operations of the onsite development and improve the overall amenity and useability of the precinct.

In all instances the consent authority is of the view that the provision of the alternate facilities and appropriate access is of higher import than the provision of car parking spaces noting that a target of 800 car parking spaces (as noted above) is considered adequate to collectively support the uses within the Jape Homemaker Village subject to the provision of alternative end of trip facilities that support the use of diverse modes of transport to access the precinct.

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

**ITEM 4 3 X 4 BEDROOM AND 1 X 4 BEDROOM (PLUS STUDY) MULTIPLE DWELLINGS IN A 2 STOREY BUILDING LOT 2261 (7) HINKLER CRESCENT, TOWN OF DARWIN**

**APPLICANT** AJAR ARCHITECTS

Ms Joanna Rees and Mr Shane Harris (Ajar Architects) attended.
RESOLVED 27/14

That, pursuant to section 53(a) of the Planning Act, the Development Consent Authority consent to the application to develop Lot 2261 (7) Hinkler Crescent, Town of Darwin for the purpose of 3 x 4 bedroom and 1 x 4 bedroom (plus study) multiple dwellings in a 2 storey building, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
   (a) the inclusion of necessary power and water infrastructure and easement locations;
   (b) landscaping treatments within the sewerage easement; that meet the requirements of the Power and Water Corporation; and
   (c) landscaping is to be provided within the adjoining road reserve that is designed to preclude opportunities for the parking of vehicles on verge areas. Landscaping is to be to the requirements of the City of Darwin to the satisfaction of the consent authority.

GENERAL CONDITIONS

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

3. The use and/or development as shown on the endorsed plans must not be altered without the further consent 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.

5. 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;
   to the satisfaction of the consent authority.
   Car spaces, access lanes and driveways must be kept available for these purposes at all times.

6. 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.

Page 10 of 23
7. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.

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

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) provide footpaths/cycleways;
(c) collect stormwater and discharge it to the drainage network; and
(d) undertake reinstatement works;
all to the technical requirements and at no cost to the City of Darwin to the satisfaction of the consent authority.

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

12. 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.

13. 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.

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

NOTES:

1. This permit will expire if one of the following circumstances applies:
(a) the development and use are not started within two years of the date of this permit; or
(b) the development is not completed within four years of the date of this permit. The consent authority may extend the periods referred to if a request is made in writing before the permit expires.

2. 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.
3. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from Department of Land Resource Management.

4. 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.

5. 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.

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the Planning Act, the consent authority must take into consideration the NT Planning Scheme.

A variation is granted to allow a reduction of the driveway width required by Clause 6.5.3 (Parking Layout) to allow a 4.5 metre width for the length of the waste storage compound (2.6 metres) adjoining the street frontage as the proposed sliding metal screen gate will assist in slowing traffic movements and ensure that vehicles within the driveway are aware of other users approaching. Additionally as the driveway width complies for the majority of its length there is sufficient lay by area for vehicles to wait within the driveway while other users enter. This situation combined with the low level of usage due to the development accommodating only 8 cars is unlikely to impact on either the safety or convenience of the area or limit its ability to be appropriately used.

A variation is granted to the requirements of clause 7.1.1 (Residential Density Limitations) as the level of non-compliance is 0.8% and comments from service authorities indicate that there will be no adverse impact on either the capacity of reticulated services or the physical land capability of the site.

A variation is granted to the requirements of Clause 7.3.1 (Additional Setback Requirements for Residential Buildings Longer Than 18 Metres) which would otherwise require the building to be setback 5.5 metres from the southern boundary. Setbacks provided are between 1.5 metres and 4.2 metres at ground level, 6.2 metres to vented roller shutters on the open garage structures and between 1.5 metres and 2 metres at various intervals along the building's first floor façade. The design of the building with its intermittent recessing, varying roof elements and diverse window sill heights and types coupled with the proposed landscaping and limited opportunities for the building to be viewed from the
adjoining existing dwellings is anticipated to have no real adverse effect and as such is considered consistent with the purpose of clause 7.3.1.

3. Pursuant to section 51(e) of the Planning Act, the consent authority must take into consideration any public submissions made under section 49 and evidence or information received under section 50.

Two public submissions were received under section 49.

The first submission raised concerns regarding:

- the potential noise and amenity impacts of air conditioning units adjoining the northern boundary which abut the private open space and outdoor living area of an existing adjoining dwelling; and
- stormwater discharge impacts.

The plans show the location of a single multi-head inverter unit located at ground level for propsec Unit 4 that is not in the vicinity of the boundary shared with the adjoining northern property. Additionally this boundary is to be screened with a 1.8 metre high metal screen fence. In relation to stormwater concerns, approved stormwater plans have been provided demonstrating the collection and discharge of all stormwater to the street to the requirements of the City of Darwin.

The second submission advised of concerns in relation to the density of the development and its design response to a narrow street frontage and the character and compatibility with surrounding developments. Further concerns were raised regarding the building mass along the southern boundary and the large roof increasing the dominance of the building. Concerns are also raised regarding overlooking from bedroom windows on the southern side, the reduced driveway width of 4.5 metres, the size of garages and the placement of pools and air conditioning units.

The matters raised relate largely to the requirements of the NT Planning Scheme and the consent authority has determined to grant variations to some elements and noted the developments compliance with other requirements. With respect to the placement of pools relevant legislated standards will apply irrespective of the Planning Act. A variety of standard conditions will address other concerns.

4. Pursuant to section 51(m) of the Planning Act the consent authority must take into consideration the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose.
Amended plans demonstrating on-site provision of all necessary utility infrastructure and easements and the provision of appropriate plantings within the existing sewerage easement will ensure the development is appropriately serviced and does not adversely impact on existing utility assets.

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

**ITEM 5**  
**PA2013/0889**  
**30M HIGH TELECOMMUNICATIONS FACILITY WITH ASSOCIATED ANTENNAS AND EQUIPMENT SHELTER**  
**LOT 7009 (8) LEANYER DRIVE, TOWN OF SANDERSON**  
**APPLICANT** TELSTRA CORPORATION

Mr Mark Baade (SK Planning) attended on behalf of the applicant.

**RESOLVED**  
**28/14** That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 7009 (8) Leanyer Drive, Town of Sanderson for the purpose of a 30m high telecommunications facility with associated antennas and equipment shelter, subject to the following conditions:

**GENERAL CONDITIONS**

1. The works carried out under this permit shall be in accordance with the drawings numbered 2013/0889/1 and 2013/0889/2 as forming part of this permit.

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

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

4. The equipment shelter associated with the telecommunications tower shall be finished in a non-reflective colour and matched to the existing building facade.

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

**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 in order to determine the Corporation’s servicing
requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the Planning Act, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. The proposal has been assessed against the requirements of the NT Planning Scheme and complies with the relevant clauses.

2. Pursuant to section 51(e) of the Planning Act, the consent authority must take into consideration any public submissions made in relation to the application. One public submission was received which related to the possible radioactive impact of the proposed tower on nearby residents. A copy of the EME prediction and explanatory notes have been included with the application, and in the case of this proposal the EME levels emitted are estimated to be 0.16% of the exposure limits mandated by the Australian Communications and Media Authority, which is approximately 625 times below the limit.

3. Pursuant to section 51(n) of the Planning Act, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated. Due to the height and design of the telecommunications facility, the tower is expected to have some impact on the amenity of the existing and future amenity of the area irrespective of its siting on the property. Requiring the associated equipment shelter to be finished in a non-reflective colour and matched to the existing building facade will further aid in minimising the impact on the adjacent and nearby residential and community use sites and its prominence as viewed from Vanderlin Drive.

4. Pursuant to section 51(h) of the Planning Act, the consent authority must take into consideration the merits of the proposed development as demonstrated in the application. The purpose of the development is to provide a telecommunications facility which will form part of Telstra's Next G® network. The upgrade facilitated by this new development will enable improvements to the network coverage and capacity to the area and thereby ensuring a reliable delivery of mobile services to the areas.

ACTION: Notice of Consent and Development Permit
ITEM 6 PA2013/0965
9 X 1, 55 X 2 AND 10 X 3 BEDROOM MULTIPLE DWELLINGS AND 67 X 2 BEDROOM SERVICED APARTMENTS (INCLUDING 61 DUAL-KEY) IN A 23 STOREY BUILDING INCLUDING GROUND LEVEL RETAIL AND COMMERCIAL TENANCIES AND 4 LEVELS OF CAR PARKING
LOT 627 (85) MITCHELL STREET, TOWN OF DARWIN
APPLICANT JUNE D’ROZARIO & ASSOCIATES

Ms June D’Rozario (June D’Rozario & Associates) and Mr Regan Anderson (Development Manager, Halikos) attended.

On behalf of City of Darwin (submitter) – Ms Cindy Robson (Strategic Planner) and Ms Mikeala McNamara (Graduate Planner) attended.

Ms D’Rozario tabled a response to submissions.

RESOLVED 29/14

That, the Development Consent Authority vary the requirements of Clause 6.3.2 (Volumetric Control in Central Darwin) and Clause 7.5 (Private Open Space) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application to develop Lot 627 (85) Mitchell Street, Town of Darwin for the purpose of the 9 x 1, 55 x 2 and 10 x 3 bedroom multiple dwellings and 67 x 2 bedroom serviced apartments (including 61 dual-key) in a 23 storey building including ground level retail and commercial tenancies and 4 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:

   • Directional signs and road markings to clearly indicate the location and operation of the turn-around area; and
   • At least one additional option for vehicles to turn around or drop off passengers, which could include, but is not limited to:

      i. A designated turn-around bay with directional signs and road markings to clearly indicate the location and operation of the turn-around area;
      ii. An amended ground level drop-off area which allows vehicles to exit the site in forward gear;
      iii. Confirmation from City of Darwin that an area on Mitchell Street can be designated as a drop off area for the site, with payment to the City of Darwin for the loss of any on-street parking as a result of the drop off area.

   • the locations of all air-conditioning condenser units and provide details of the screening to be utilised to ensure the condenser units are appropriately screened from public view and from view of neighbouring
or nearby developments (or developments reasonably anticipated). The locations of all condenser units must allow convenient access for ongoing repair and maintenance. The use of angled louvered slats for screening purposes is acceptable, however the slat screening must be designed with an acceptable panel to gap ratio, such that the condenser units are not readily visible from any angle.

- the locations of all roof top plant equipment, equipment relating to the operation of the lift, aerials, ventilation equipment and ducting and any other equipment that will be placed on the rooftop of the development. The equipment shall be appropriately screened or designed to soften the visual impact of such equipment from view from neighbouring or nearby developments (or developments reasonably anticipated).
- Adequate screening of windows through the use of awnings or other shading devices to the north western side of the building;
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 must provide evidence of the access easement between Lots 627 and 626, and the location and dimensions of the access easement must be shown on the endorsed drawings.

3. The access easement shown on the endorsed drawings must be registered and retained for the life of the development.

4. 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.

5. 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.

6. 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.

7. 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.

8. 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:
   • Details of surface finishes of pathways and driveways
   • 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

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

10. 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.

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. 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.

13. 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.

14. The recommendations of the traffic impact assessment report as approved by the City of Darwin and/or the Department of Transport are to be followed through for the life of the development.

Page 18 of 23

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.
15. 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.

16. 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.

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

19. 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.

20. 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.

21. 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.

22. 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.

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

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation’s servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to the City of Darwin.

3. Notwithstanding the approved plans, the demonstrated awning in City of Darwin’s road reserve is subject to Council approval at no cost to Council.

4. 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.

5. 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.

6. 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.

7. 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.

8. 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.

9. Should the development be unit titled, each dual-key serviced apartment will be required to remain under a single unit title.

**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 76.8% 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 1.1m 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. A variation to the requirements of clause 7.5 (Private Open Space) of the Northern Territory Planning Scheme is considered acceptable as the non-compliances are generally minor and technical in nature. Importantly, the area provided for each serviced apartment is close to or exceeds the 12m² given by clause and extends directly from the main living space, providing a useable space for future residents, the majority of which also enjoy reasonable views to Mitchell Street or Darwin harbour. The reduced private open space provided to the serviced apartments is considered acceptable on the basis that they operate in a similar manner to that of a motel (where there is no requirement for private open space), and that the use caters to short term guests.

4. Pursuant to section 51(e) of the Planning Act, the consent authority must take into account any submissions made under section 49 in relation to the development application. Two submissions were received which raised concerns with the proposal, particularly in regard to parking and ground level traffic circulation, private open space areas and general building design. It is considered reasonable to assess the duel-key serviced apartments as a single serviced apartment and apply the standard NT Planning Scheme rate, and on this basis the proposal provides the required parking bays. Condition 1 on the development permit is expected to result in the development being compliant with the requirements of clause 6.5.3 (Parking Layout). The private open space areas provided for the multiple dwelling component of the proposal is close to or exceeds the 12m² given by clause and extends directly from the main living space, providing a useable space for future residents. The reduced private open space area provided to the serviced apartments is considered reasonable on the basis that they operate in a similar manner to that of a motel (where there is no requirement for private open space), and that the use caters to short term guests. The overall design of the building generally complies with the provisions of the NT Planning Scheme.

5. 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 serviced apartment 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. The proposal provides appropriate building setbacks and on-site car

Page 21 of 23
parking together with a building height lower than the height permitted by the Scheme on this site. These factors combined demonstrates consideration for the existing and future amenity of adjoining properties, and a building design that optimises available CB zoned land without resulting in undue overlooking and loss of views. The level of compliance achieved with the CB Planning Scheme controls and other requirements of the Scheme are considered to demonstrate that the development is suitable for the site without significantly compromising the existing and future amenity of the area.

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

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(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.

9. Amended plans requiring directional signs and road markings to clearly indicate the location and operation of the loading bay turn-around area, as well as at least one additional option for vehicles to turn around or drop off passengers, should ensure the proposal can comply with clause 6.5.3 (Parking Layout) and provide functional ground level traffic circulation.

10. The design of the building at ground level ensures an active street frontage by limiting the services at street level to a small fire service node and single vehicle entry and exit point. The glass curtain wall and alfresco dining area ensures street level activity and visual connection with the indoor restaurant activity on the ground level.

11. The request for screening through awnings, or for evidence to confirm that awnings are not required, is in response to the necessary consideration of section 51(n) of the Planning Act, which states that 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, giving particular consideration to the potentially harsh impacts of the sun on the useability of the private open space areas of the units that front the to the north western boundary.
12. The requirement for a survey plan indicating the access easement arrangement between lots 627 and 626 is to ensure future access to the development is viable.

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

<table>
<thead>
<tr>
<th>ITEM 7</th>
<th>CARPORT ADDITION TO AN EXISTING SINGLE DWELLING WITH A REDUCED FRONT SETBACK</th>
</tr>
</thead>
<tbody>
<tr>
<td>PA2013/0942</td>
<td>LOT 2147 (33) BAYFIELD ROAD, TOWN OF SANDERSON</td>
</tr>
<tr>
<td>APPLICANT</td>
<td>GL TOWN PLANNING</td>
</tr>
</tbody>
</table>

Mr Chris Cheung (GL Town Planning) attended and tabled a copy of his presentation to the DCA.

**RESOLVED** 30/14

That, pursuant to section 53(c) of the Planning Act, the Development Consent Authority refuse to consent to the application to develop Lot 2147 (33) Bayfield Road, Town of Sanderson for the purpose of a carport addition to an existing single dwelling with a reduced front setback for the following reasons:

**REASONS FOR THE DECISION**

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

   The proposed development does not comply with clause 7.3 (Building Setbacks of Residential Buildings) as the applicant is proposing a 0.8m setback where a 4.5m setback is required and the proposed development is not consistent with the purpose of the clause.

2. Due to the reduced setback and the incompatibility with the existing streetscape, the proposed structure will result in massing when viewed from the street as it protrudes much further forward than anything else in the immediate area and will occupy a third of the length of the primary street boundary.

3. The applicant does not demonstrate any special circumstances as to why such a substantial variation to the primary street frontage setback should be approved and why the proposed carport cannot be located at the rear of the property where there appears to be sufficient room and where it appears that cars are currently parked.

**ACTION:** Notice of Refusal

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

PETER MCQUEEN
Chairman
14/2/14

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.