



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 234 – FRIDAY 20 JUNE 2014

**BROLGA ROOM
NOVOTEL DARWIN ATRIUM
100 THE ESPLANADE
DARWIN**

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

APOLOGIES: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), Kirrily Chambers, Anthony Brennan and Dawn Parkes, (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 9.30 am and closed at 1.15 pm

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

ITEM 1 21 x 2 AND 3 x 3 BEDROOM MULTIPLE DWELLINGS IN A 7 STOREY BUILDING
PA2014/0141 INCLUDING GROUND LEVEL CAR PARKING PLUS A SUB-BASEMENT PARKING
LEVEL
APPLICANT LOTS 2486 & 2487 (168 & 170) SMITH STREET, TOWN OF DARWIN
YELLOWCITY PTY LTD

Mr Terry Nixon (Yellowcity Pty Ltd) attended.

Submitter Fiona Douglas sent her apologies.

Submitter in attendance: Ms Margaret Clinch (Representing Plan: The Planning Action Network).

RESOLVED
136/14

That, the Development Consent Authority vary the requirements of Clause 7.3.1 (Additional Setback Requirements for Residential Buildings Longer Than 18 m...) 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 2486 & 2487 (168 & 170) Smith Street, Town of Darwin for the purpose of no more than 21 x 2 bedroom multiple dwellings (or any combination of 2 and/or 3 bedroom multiple dwellings not exceeding the density requirements of clause 7.1.1) in a building not exceeding 7 storeys plus sub-basement car parking (subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works approved by this permit, 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 either two copies must be provided or they must be submitted electronically. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) a development layout that shows not more than 21 x 2 bedroom dwellings or any combination of 2 and/or 3 bedroom multiple dwellings not exceeding the density requirements of clause 7.1.1) and that is fully compliant with the requirements of clauses 6.5.1 and 7.3;
 - b) a car parking layout that is clearly annotated and complies with all aspects of clause 6.5.3 (Parking Layout) including its purpose;
 - c) a reduction in the number of dwellings to ensure full compliance with the requirements of clause 7.1.1 (Residential Density Limitations);
 - d) an increase in the setback to the toilet area at the 1st storey of the development to no less than 7.5 metres to ensure full compliance of the development with Clause 7.3 (Building Setbacks for Residential Buildings...);

- e) plans that are clearly annotated to demonstrate full compliance with the requirements of clause 7.5 (Private Open Space);
 - f) plans that are fully compliant with the requirement of Clause 7.7 (Landscaping for Multiple Dwellings...) for 30% of the site to be landscaped
- or
- plans that show not less than 27% of the site's area landscaped and the additional 3% provided within the verge adjoining the sub-basement wall and site's fencing providing a complementary and integrated treatment to the requirements of the City of Darwin;
- g) landscaping plans that clearly identify the location of all plantings that are to be utilised in the development having regard to the specific requirements of clause 6.12 (Landscaping) and its purpose, and demonstration that the proposed physical construction of the development will be able to support all proposed plantings;
 - h) the incorporation of bicycle parking facilities in accordance with the Cycling Aspects of Austroads Guide 2014 (Appendix H);
 - i) plans that clearly show the fenestration for windows to habitable rooms overlooking voids and the proposed balustrading to these areas having regard to minimising overlooking by users of the common access walkways;
 - j) floor plans and elevations for the development that are fully consistent with respect to the location of windows, awnings, spandrels and the like;
 - k) the alignment of spandrels on the rear face of the building to correspond to the location of entry doors to dwellings to maximise privacy;
 - l) high level screen features on all south west and north west facing balconies to minimise afternoon insolation;
 - m) the incorporation of a safe and convenient pedestrian access to the site that provides access for persons with disabilities;
 - n) clear delineation of safety pool fencing; and
 - o) a waste bin storage area that meets the requirements of the City of Darwin.
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 points. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system.

GENERAL CONDITIONS

- 3. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
- 4. A Traffic Impact Assessment (TIA) is to be prepared and submitted to and approved by the City of Darwin. The TIA is to be prepared by a suitably qualified traffic engineer in accordance with the Austroads Document 'Guide to Traffic Management, Part 12: Traffic Impacts of Developments' in the report structure provided as Appendix C of that document with particular attention to vehicular, pedestrian, cyclist and public transport issues and opportunities. The

report should identify any necessary upgrades to the surrounding street network as a result of the implications of the development.

5. Before the occupation of the development starts any works on the surrounding street network identified as being required by the TIA are to be undertaken to the requirements of the City of Darwin to the satisfaction of the consent authority.
6. Any developments on or adjacent to any easements on site (or proposed easements) shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
7. Before the occupation of the development starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat;
 - (d) drained;
 - (e) line marked to indicate each car space and all access lanes; and
 - (f) clearly marked to show the direction of traffic along access lanes and driveways;to the satisfaction of the consent authority.
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
8. 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.
9. Any gate over an access to a public road shall be placed on the subject site at least 4.5 metres from the face of the kerb line of the adjoining public road.
10. 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.
11. 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.
12. 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.
13. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the consent authority.
14. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building.

15. All substation, fire booster and water meter arrangements are to be appropriately screened to soften the visual impact of such infrastructure on the streetscape, to ensure that the infrastructure is sympathetic to and blends in with the design of the building. Details will need to be resolved to the satisfaction of the consent authority in consultation with the Power and Water Corporation, and NT Fire and Emergency Services.
16. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority including that no polluted or sediment laden run-off is to be discharged directly or indirectly into City of Darwin drains.
17. 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 plans in accordance with the authorities' requirements and relevant legislation at the time.
18. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the City of Darwin to the satisfaction of the consent authority.
19. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) protect street trees;
 - (c) provide footpaths/ cycleways and verge plantings;
 - (d) collect stormwater and discharge it to the drainage network; and
 - (e) 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.
20. Storage for waste disposal bins is to be provided to the requirements of City of Darwin to the satisfaction of the consent authority.
21. All air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view and from view of neighbouring or nearby developments (or developments reasonably anticipated), located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority. The use of angled louvered slats for screening purposes is acceptable, however the slat screening must be designed with a panel to gap ratio, such that the condenser units are not readily visible from any angle.

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 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 that may be employed throughout the construction phase of the development is available from Department of Land Resource Management.
4. 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.
5. 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.
6. The Environmental Protection Authority publishes Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities should be restricted to between 7 am and 7 pm Monday to Saturday and 9 am to 6 pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

REASONS FOR THE DECISION

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

The NT Planning Scheme (NTPS) applies to the subject land and the proposal for multiple dwellings is discretionary and subject to a number of clauses contained in Part 4 of that document. Clause 2.5 (Exercise of Discretion by the Consent Authority) requires that the DCA only vary requirements specified in Part 4 of the NTPS where it is satisfied that special circumstances justify the giving of consent.

Neither the advertised application, nor the revised documentation submitted by the applicant in response to the Notice of Deferral, provided any details of special circumstances that the consent authority was satisfied justified granting consent to a departure from the following requirements and as such the application has consequently been amended to require full compliance.

- Clause 7.1.1 (Residential Density Limitations) of the NTPS. The application proposed a development configuration that exceeded the maximum specified density by 20% (calculated by site area).

- Clause 7.3 (Building Setbacks for Residential Buildings...) of the NTPS. The application proposed a development that included a small building feature within the front building setback but was otherwise compliant.
- Clause 6.5.3 (Parking Layout) of the NTPS. The application proposed a parking layout for spaces 47 & 48 that was not considered either functional or safe as it required users of these spaces to reverse vehicles past 4 other parking spaces to egress the site in a forward gear.

With respect to the requirement of clause 7.7 (Landscaping for Multiple Dwellings) for 30% of the site's area to be landscaped, the consent authority is of the view that the provision of landscaping external to the site's boundary would have a complementary effect on the streetscape and would assist in the integration between the public and private realm particularly given the development incorporates a sub-basement structure and is on a prime pedestrian linkage route between Cullen Bay and the Darwin CBD. The consent authority is of the view that the inclusion of appropriate landscaping treatments beyond the boundary are desirable and that their inclusion would be a special circumstance that would in this situation (noting the sub-basement and fencing of the development includes a range of finishes and forms including open metal vertical fencing that will enable podium landscaping to be visible from the street) justify a variation of no more than 3% of the on-site area being landscaped. The application has been amended to allow the applicant to explore opportunities in this regard but should external landscaping to achieve the desired outcome not be permissible to the City of Darwin then full compliance with clause 7.7 is required.

Fully annotated plans have also been requested to ensure that the development meets the minimum dimension and area requirements of clause 6.5.3 (Parking Layout) and Clause 7.5 (Private Open Space) as scaling anomalies appear to have resulted from scanning and copying of the hand drawn plans for the development.

Amended plans demonstrating full consistency within the set (i.e. consistent floor and elevation plans) and details of other small features within the development have also been requested to ensure that the features and details of the development are unambiguous and that the development complies with requirements of Clauses 6.12 (Landscaping) and 7.8 (Building Design for Multiple Dwellings) of the NTPS.

Unlike other clauses in Part 4 of the NTPS, Clause 7.3.1 (Additional Setback Requirements for Residential Buildings Longer Than 18 m and over 4 Storeys in Height) includes a separate test in relation to considering any variations of its requirements; specifically that the consent authority may only vary the requirements if it is satisfied that the design of the residential building is consistent with the purpose of the clause 'to ensure 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'.

The consent authority is of the view that the design of the building incorporates significant articulation to Smith Street albeit regular in its form with balconies recessed into the building. These recessed areas coupled with the use of a combination of louvre windows and french style glass doors, clear glass balustrading in most areas as well as the provision of high level screening and sun shades to windows reduce the overall impression of the building's mass.

The consent authority is of the further view that the uniform additional setback of upper levels (beyond the 4th storey) is appropriate (rather than an additional step back for each level) and when combined with the pitch and changes in roof line further reduce the impression of bulkiness. The building design features will ensure the building does not have an unreasonable impact on the streetscape when viewed from the public realm.

The adjoining sites are all developed but do permit extensive views into the subject land and as such the variations to the additional setback requirements in relation to the rear and side boundaries are supported (noting the requirement for proposed spandrels to be relocated to align with front door locations).

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

Two public submissions were received under section 49; both opposed the development particularly on the grounds of the proposal to exceed the density requirements of the NT Planning Scheme. Further concerns were raised with respect to visual bulk and visual and acoustic privacy within the development. The concerns of submitters have been substantially addressed by the consent authority decision to require full compliance with the density provisions of the NTPS and through the requirement for amended plans to be submitted by the applicant.

3. Pursuant to section 51(m) of the *Planning Act*, the consent authority must take into consideration the public utilities or infrastructure provided in the area and the requirement for services to be connected to the land or their provision by the developer.

Comments from the City of Darwin, the Power and Water Corporation and Telstra identified particular requirements in relation to the provision of, and connection of, the development to infrastructure and networks. The requirements are appropriately dealt with in this consideration through the inclusion of relevant conditions.

4. Pursuant to section 51(p) of the *Planning Act*, the consent authority must take into consideration the public interest, including community safety through crime prevention principles, water safety and access for persons with disabilities.

Amended plans detailing appropriate access for persons with disabilities as well as safety pool fencing have been requested to ensure these elements are suitably incorporated into the development.

ACTION: Notice of Determination

ITEM 2 WITHDRAWN

ITEM 3 **59 x 2 BEDROOM MULTIPLE DWELLINGS IN A 3 STOREY BUILDING WITH**
PA2014/0173 **GROUND LEVEL CAR PARKING**
LOT 6185 (1) RUNGE STREET, TOWN OF NIGHTCLIFF
APPLICANT **BELL GABBERT ASSOCIATES PTY LTD**

Mr Mark Bell (Bell Gabbert Associates Pty Ltd), Mr Imanuel Milatos and Mr Manoli Tsirogianis (builders) attended.

Submitters in attendance:- Mr Perry Whitehouse, Mr Gerard Taylor, Ms Carolyn Marriott and Ms Margaret Clinch (Representing PLAN: The Planning Action Network).

Mr Taylor tabled a google map of the area showing the location of the submitters in relation to Lot 6185 and information on the road width.

RESOLVED
137/14

That, the Development Consent Authority vary the requirements of Clause 6.5.3 (Parking Layout), Clause 7.3.1 (Additional Setback Requirements for Residential Buildings Longer Than 18 m...) and Clause 7.7 (Landscaping for Multiple Dwellings...) 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 Lot 6185 (1) Runge Street, Town of Nightcliff for the purpose of 59 x 2 bedroom multiple dwellings in a 3 storey building comprising 8 residential blocks and incorporating ground level car parking subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works approved by this permit, 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 either two copies must be provided or they must be submitted electronically. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) a car parking layout that complies with clause 6.5.3 (Parking Layout) of the NT Planning Scheme in so far as it requires the provision of 2.5 metres wide parking spaces clear of intrusions;
or

- a car parking layout that complies with the relevant dimensional requirements of Australian Standard AS2890.1:2004 Parking facilities Part 1: Off Street Parking; and
- b) a car parking layout that incorporates any legislatively required car parking for persons with disabilities;
 - c) a incorporation of a safe and convenient pedestrian access to the site from Dick Ward Drive;
 - d) the incorporation of bicycle parking facilities in accordance with the Cycling Aspects of Austroads Guide 2014 (Appendix H);
 - e) high level screen features on all south west and north west facing balconies to minimise afternoon insolation;
 - f) plans that clearly show the fenestration for windows to habitable rooms overlooking voids and the proposed balustrading to these areas having regard to minimising overlooking by users of the common access walkways;
 - g) a detailed landscaping plan for the entire site including planting in the verge (that meets the requirements of the City of Darwin).
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 commencement of works a Traffic Impact Assessment (TIA) is to be prepared and submitted to and approved by the City of Darwin. The TIA is to be prepared by a suitably qualified traffic engineer in accordance with the Austroads Document Guide to Traffic management Part 12: Traffic Impacts of Developments in the report structure provided as Appendix C of that document with particular attention to vehicular, pedestrian, cyclist and public transport issues and opportunities. The report should identify any necessary upgrades to the surrounding street network as a result of the implications of the development.
 4. Prior to the commencement of works a Car Parking Management Strategy (CPMS) to the satisfaction of the consent authority is to be submitted to and approved by the consent authority for its approval. The CPMS is to have regard to the purpose of clause 6.5.1 (Parking Requirements) of the NT Planning Scheme to 'ensure that sufficient off-street car parking ... is provided to service the proposed use of a site'. THE CPMS is to ensure that the on-site car parking is allocated and used to maximum efficiency (noting the opportunity for exclusive use bylaws under the Unit Title Schemes Act to be utilised for some spaces) and is to provide an appropriate number of suitably located car parking spaces for use by visitors to the site.

GENERAL CONDITIONS

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

6. Before the occupation of the development starts any works on the surrounding street network identified as being required by the TIA are to be undertaken to the requirements of the City of Darwin to the satisfaction of the consent authority.
7. Any developments on or adjacent to any easements on site (or proposed easements) shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
8. Before the occupation of the development starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat;
 - (d) drained;
 - (e) line marked to indicate each car space and all access lanes; and
 - (f) clearly marked to show the direction of traffic along access lanes and driveways;to the satisfaction of the consent authority.
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
9. 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.
10. Any gate over an access to a public road shall be placed on the subject site at least 4.5 metres from the face of the kerb line of the adjoining public road.
11. The private open space areas of each dwelling shall be screened on each boundary by:
 - a. the erection of a solid wall or screen fence not less than 1.8 metres high: or
 - b. fenced to a height not less than 1.8 metres high and planted with dense vegetation.
12. Before the occupation of the development starts the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
13. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
14. 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.
15. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the consent authority.

16. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building.
17. All substation, fire booster and water meter arrangements are to be appropriately screened to soften the visual impact of such infrastructure on the streetscape, to ensure that the infrastructure is sympathetic to and blends in with the design of the building. Details will need to be resolved to the satisfaction of the consent authority in consultation with the Power and Water Corporation, and NT Fire and Emergency Services.
18. External lighting of the car parking area must be designed, baffled and located so as to prevent any adverse effect on adjoining land in Zone SD to the satisfaction of the consent authority.
19. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority including that no polluted or sediment laden run-off is to be discharged directly or indirectly into City of Darwin drains.
20. 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 plans in accordance with the authorities' requirements and relevant legislation at the time.
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. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) protect street trees;
 - (c) provide footpaths/ cycleways and verge plantings;
 - (d) collect stormwater and discharge it to the drainage network; and
 - (e) 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.
23. Storage for waste disposal bins is to be provided to the requirements of City of Darwin to the satisfaction of the consent authority.
24. All air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view and from view of neighbouring or nearby developments (or developments reasonably anticipated), located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority. The use of angled louvered slats for screening purposes is acceptable, however the slat screening must be designed with a panel to gap ratio, such that the condenser units are not readily visible from any angle.

25. Prior to the occupation of the development advice is to be provided by the developer from the NT Fire and Rescue Service in regards to the appropriateness of external fire fighting arrangements to ensure appropriate safety for people and property is to be provided 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 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 that may be employed throughout the construction phase of the development is available from Department of Land Resource Management.
4. 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.
5. 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.
6. The Environmental Protection Authority publishes Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities should be restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
7. All deliveries of goods and materials should avoid use of the Dick Ward Drive frontage and Dick Ward Drive is to be kept clear of all parked traffic and construction equipment including trade vehicles and trailers.

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 NT Planning Scheme (NTPS) applies to the subject land and the proposal for multiple dwellings is discretionary and subject to a number of clauses contained in Part 4 of that document. Clause 2.5 (Exercise of Discretion by the Consent Authority) requires that the DCA only vary requirements specified in Part 4 of the NTPS where it is satisfied that special circumstances justify the giving of consent.

The consent authority is of the view that the proposed development is compliant with all relevant clauses with the exception of the matters discussed below.

With respect to the requirement of clause 6.5.3 (Parking Layout) for all car parking spaces to be not less than 2.5 metres wide the consent authority notes the applicants submission that clause 6.5.3 does not identify the full range of scenarios for parking layouts (particularly those for larger developments where support columns are a necessity). The consent authority is therefore of the opinion that amendment of the application and the granting of a variation to allow a parking layout that departs slightly from the specifications of clause 6.5.3 to the extent that compliance with the Australian Standard is achieved, is justifiable and that the complexity and range of scenarios catered for under the Australian Standard are an appropriate special circumstance.

With respect to the requirement of clause 6.5.3 (Parking Layout) for a parking area to be not less than 3 metres from a road, the consent authority notes the applicants submission in relation to the term 'road' but is of the view that the measurement is to the road reserve not the road pavement (which may be altered by the local authority in the future). Notwithstanding this, the consent authority is of the view that the site's frontage to 3 roads is a special circumstance, and that the layout of the car parking area (with the vehicle access point at Musgrave Street) and the inclusion of landscaping and 1.8 m fencing to Dick Ward Drive to screen the parking area in its vicinity, justify consent to a variation of this minimum setback from 3 m to 1.53 m.

With respect to the requirement of clause 7.7 (Landscaping for Multiple Dwellings) for 30% of the site's area to be landscaped, the consent authority is of the view that the provision of landscaping external to the site's boundary would have a complementary effect on the streetscape and would assist in the integration between the public and private realm. The consent authority is of the view that the inclusion of appropriate landscaping treatments beyond the boundary are desirable and that their inclusion in this situation where the site has 3 street frontages is a special circumstance that would justify a variation of no more than 3% of the on-site area being landscaped. The consent authority is of the further opinion that the open design of the swimming pool recreation area along with its location directly adjoining and integrated with communal open space as well as the inclusion of the upper areas of landscaping that contribute to an attractive and pleasant environment for the development are further special circumstances that justify a variation to this clause.

Unlike other clauses in Part 4 of the NTPS, Clause 7.3.1 (Additional Setback Requirements for Residential Buildings Longer Than 18 m ...) includes a separate test in relation to considering any variations of its requirements; specifically that the consent authority may only vary the requirements if it is satisfied that the design of the residential building is consistent with the purpose of the clause 'to ensure 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'..

The consent authority is of the view that the design of the building incorporates significant articulation albeit regular in its form. The main living area of the balconies in each of the affected blocks meet the requirement of 5.5 metres and these areas are recessed into the building thereby reducing the visual bulk of the building when viewed from the adjoining land. In addition the service areas of these balconies are to be screened providing vertical articulation at regular intervals along the façade and a change in exterior finish.

The circumstances of this particular application adjoining land in Zone SD also requires the establishment and maintenance of a 3 m wide landscape buffer along the boundary shared with land in Zone SD (Clause 7.4). This requirement and the applicant's proposed landscaping treatment incorporating species that are selected for their taller canopy and dense foliage will ensure that the development (which is limited to 3 storeys by clause 7.1.2) is visually screened from adjoining land and therefore unlikely to have an adverse effect through either building massing or visual bulk when viewed from adjoining land. The consent authority is also of the opinion that as the majority of single dwellings that interface with this site are setback in excess of 10 metres from the shared boundary with the exception of the dwellings on Lots 9042 and 9570 (both ground level occupancy only) the small extent of the variation (screened service areas of balconies in Blocks 6 and 7 only intrude on the additional rear setback requirement by 0.8 metres) is unlikely to contradict the stated purpose of the requirement.

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

Six public submissions were received under section 49; all opposed the development particularly on the grounds of:

- the proposal's density and availability of communal open space (that the consent authority notes are consistent with the standards anticipated in Zone MR);
- potential traffic impacts on the existing local road network (that the consent authority notes are addressed in the submitted Traffic Impact Assessment (TIA) and a condition has also been included requiring the TIA to be to City of Darwin requirements, and any identified road upgrades to be constructed by the developer);

- availability of visitor parking (that the consent authority notes is addressed by a condition requiring a Car Parking Management Strategy and an appropriate number of on-site visitor parking spaces to be identified);
- visual and acoustic privacy (that the consent authority notes are addressed by the proposal's compliance with the NT Planning Scheme's Clause 7.1.2 (Residential Height Limitations), Clause 7.3 (Building Setbacks for Residential Buildings...) and Clause 7.4 (Building Setbacks and Fencing of Multiple Dwellings ...in Zone MR) as well as the design that locates communal recreation areas away from the site boundary shared with single dwellings in Zone SD);
- capacity of existing infrastructure (that the consent authority notes are addressed by the inclusion of appropriate conditions relating to such infrastructure and services).

Notwithstanding the above, the consent authority acknowledges there is likely to be some level of impact on the amenity of adjoining single dwelling residents however the impacts are not expected to be unreasonable given the context of the interface with land in Zone MR. The consent authority further acknowledges the difficult history of the site but is of the view that the new development cannot be assessed having regard to the management and occupancy of a previous development on the site.

The concerns of submitters are in the opinion of the consent authority substantially addressed by the consent authority's imposition of appropriate specific and standard conditions and by the development's compliance with relevant provisions of the NT Planning Scheme.

3. Pursuant to section 51(m) of the *Planning Act*, the consent authority must take into consideration the public utilities or infrastructure provided in the area and the requirement for services to be connected to the land or their provision by the developer.

Comments from the City of Darwin, the Power and Water Corporation and Telstra identified particular requirements in relation to the provision of, and connection of, the development to infrastructure and networks. The consent authority notes the substantial upgrades that the developer will be required to fund and is of the opinion that the requirements are appropriately dealt with in this consideration through the inclusion of relevant conditions.

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

The consent authority has previously acknowledged in this decision the likelihood that there will be a level of impact on the amenity of adjoining residents but that the expected impacts are not unreasonable in the context of the zoning and the development's compliance with related requirements. The consent authority notes the applicant's submission that the proposal will improve the amenity of the area by removing

derelict buildings. The consent authority is of the view that the amenity of the area in which the land is situated will not be negatively impacted by this development subject to the developer complying with all conditions and requirements of the development permit issued which deal specifically with traffic, visitor parking, screening of light spill from parking areas as well as other minor amendments of the application to include an additional pedestrian entry point, bicycle parking, and landscaping.

ACTION: Notice of Determination

ITEM 4
PA2014/0094

**60 x 1 BEDROOM MULTIPLE DWELLINGS IN A 9 STOREY BUILDING PLUS 2 LEVELS OF BASEMENT CAR PARKING
LOT 1462 (4) LINDSAY STREET, TOWN OF DARWIN
BELL GABBERT ASSOCIATES PTY LTD**

APPLICANT

DAS tabled a further submission from the submitter.

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

Submitter Ms Jacqui Langdon (Principal, St Mary's Catholic Primary School) attended with Mr Andy McCracken (Catholic Education).

RESOLVED
138/14

That, the Development Consent Authority vary the requirements of clauses 6.3.2 (Volumetric Control in Central Darwin), 7.5 (Private Open Space) and 7.6 (Communal Open Space) of the NT Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 1462 (4) Lindsay Street, Town of Darwin for the purpose of 60 x 1 bedroom multiple dwellings in a 9 storey building plus 2 levels of basement car parking, subject to the following conditions:

CONDITIONS PRECEDENT

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

4. 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 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); and,
 - (b) increased shading to the western side verandahs by way of awnings or other such shading devices.

GENERAL CONDITIONS

5. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
6. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage, electricity and telecommunications facilities to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
7. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
8. Before the use or occupation of the development starts, the area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat;
 - (d) drained;
 - (e) line marked to indicate each car space and all access lanes; and
 - (f) clearly marked to show the direction of traffic along access lanes and driveways;to the satisfaction of the consent authority.
Car spaces, access lanes and driveways must be kept available for these purposes at all times.

9. The car parking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their visitors/guests.
10. The recommendations of the traffic impact assessment report as approved by the City of Darwin are to be followed through for the life of the development.
11. Before the use commences the owner must, in accordance with Part 6 of the *Planning Act*, pay a monetary contribution to the City of Darwin for the upgrade of local stormwater infrastructure, in accordance with its Stormwater Contribution Plan.
12. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin to the satisfaction of the consent authority.
13. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the consent authority.
14. 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.
15. 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.
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. All air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view and from view of neighbouring or nearby developments (or developments reasonably anticipated), located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority. The use of angled louvered slats for screening purposes is acceptable, however the slat screening must be designed with a panel to gap ratio, such that the condenser units are not readily visible from any angle.
18. 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.
19. Before the occupation of the development starts the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.

20. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
21. 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. This development as approved by the Development Consent Authority (DCA) achieves a level of active interface deemed by the authority to provide 74% of the length of the site boundary at ground level as active street frontage. Retaining this level of active frontage is considered by the DCA to be essential to this development achieving the purpose of clause 6.3.3 (Urban Design Requirements in Central Darwin). Any reduction in the percentage of active street frontage is unlikely to be supported, and will require full consideration by the DCA at a meeting of the authority. Refer to "Design guidance to achieve active frontages and provide for services" for advice to active street frontages in relation to service authority requirements.
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 Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites in the Northern Territory. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
6. 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. The proposal is consistent with the primary purpose of zone CB (Central Business), being “to provide for a diversity of activities including administrative, judicial, professional, office, entertainment, cultural, residential, retail and other business activities, with a commitment to the separation of incompatible activities”.
2. A variation to the requirements of clause 6.3.2 (Volumetric Control in Central Darwin) of the Northern Territory Planning Scheme is acceptable as the level of non-compliance is quite minor and not seen to impact, in any real way, on access to views, daylight and breezes. The proposal is smaller in scale than the previously approved development (DP10/0099), and it would be commercially difficult to achieve full compliance given that 2 levels of basement parking and a ground level slab with ramps and columns has already been constructed. Achieving full compliance with the Tier 2 aspect of this clause is not considered to have any greater benefit than what is proposed 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-compliance is very minor and the angled balconies are included to improve the visual amenity of the front of the building. The connection between the balconies and both the living rooms and bedrooms is ideal and it is considered that the private open space provided meets the purpose of the clause and a variation is acceptable.
4. A variation to the requirements of clause 7.6 (Communal Open Space) of the Northern Territory Planning Scheme is considered acceptable as the non-compliance is relatively minor and relates to the minimum width requirements only, and given the inner-city location it is expected that residents would have additional access to a variety of places for activities and recreational needs.
5. 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. One submission was received which raised concerns with the proposal, particularly in regard to increased traffic flows, congestion and parking shortages along Lindsay Street. The proposal achieves compliance with parking bay numbers, parking layout and driveway access sightlines. Given that the site is located in the core area of zone CB, and the proposal is of a scale significantly less than what could be developed in the CBD, it is considered that the proposal is suitable for the area and for the site, and is unlikely to have any significant impact on the 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. 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 vehicle entry and exit point. The glazed entry and multi-purpose room as well as the landscaped platter boxes and building signage ensures street level activity and visual connection with the indoor restaurant activity on the ground level.

ACTION: Notice of Consent and Development Permit

ITEM 5
PA2014/0332

**CHANGE OF USE FROM GENERAL INDUSTRY TO LEISURE AND RECREATION
(BADMINTON FACILITY)**

APPLICANT

**PORTIONS 1718 & 1719 (19 & 23) ALBATROSS STREET, HUNDRED OF BAGOT
DEPARTMENT OF SPORT, RECREATION AND RACING**

Mr Caleb Johnston (Department of Sport, Recreation and Racing) attended.

RESOLVED
139/14

That the Development Consent Authority vary the requirements of Clause 6.5.3 (parking requirements) and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Portions 1718 & 1719 (19 & 23) Albatross Street, Hundred of Bagot, for the purpose of a change of use from General Industry to Leisure and Recreation (Badminton facility) subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with drawings 2014/0332/01 to 2014/0032/02 endorsed as forming part of this permit.
2. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

4. Before the use or occupation of the development starts, the area set-aside for the parking of vehicles as shown on the endorsed plans must be:
 - (a) line marked to indicate each car space; to the satisfaction of the consent authority.
5. 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.
6. Storage for waste disposal bins is to be provided to the requirements of 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 Power and Water Corporation advises that any new development that requires additional power supply will be subject of direct negotiation with Power and Water, in accordance with the applicable charging policy.
3. Power and Water requires only one water service and one sewer service to a single lot. Lot 1718 and Lot 1719 should be consolidated because the existing building extends across the property boundary between the lots and therefore one service should be disconnected from service, at no charge to Power and Water.
4. The Power and Water Corporation advises that the owner/developer must install at their own cost, backflow prevention device at the outlet of the water meter through which Power and Water Corporation supplies water to the land.
5. City of Darwin advises that waste bin storage and pick-up shall be provided in accordance with City of Darwin Policy Number 54 – Waste Management.
6. Department of Health advises that all food businesses (including pre-packaged food and drinks) in the Northern Territory must be registered with DoH and must comply with the *NT Food Act 2004* and the National Food Safety Standards.

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.

A variation to Clause 6.5.1 (Parking Requirements) is supported in this instance as the applicant has demonstrated that sufficient off-street car parking is provided to service the proposed use of the site and in the event that more car parking spaces are required, sufficient on-street car parking has been identified.

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

There is no reason to suggest that the land is not capable of supporting the proposed development. The building already exists and just the use is changing. Sufficient off-street car parking is provided to service the proposed use of the site and it is not envisaged that there will be any detrimental effects on the land or on any other land.

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

The change of use from General Industry to Leisure and Recreation is not expected to impact on the existing or future amenity of the area. Furthermore, no public submissions were received in relation to the proposed development

ACTION: Notice of Consent and Development Permit

ITEM 6
PA2014/0159

**SHOWROOM SALES IN A SINGLE STOREY BUILDING WITH GROUND LEVEL
CAR PARKING
PORTION 2845 (790) VANDERLIN DRIVE, HUNDRED OF BAGOT
GROUP 1 CONSULTING**

APPLICANT

Mr John Berryman (Group 1 Consulting) attended.

RESOLVED
140/14

That, the Development Consent Authority determine to reduce the car parking requirement from 323 bays to 311 bays pursuant to Clause 6.5.2 (Reduction in Parking Requirements) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 2845 (790) Vanderlin Drive, Hundred of Bagot for the purpose of showroom sales in a single storey building with ground level car parking, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a schematic stormwater management plan demonstrating the on-site collection of stormwater and its discharge into the City of Darwin and/or Department of Transport stormwater drainage system

shall be submitted to and approved by the City of Darwin and/or the Department of Transport as the case may be to the satisfaction of the consent authority. The plan shall include details of site levels and stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to the system.

2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a comprehensive Traffic Impact Assessment Report Statement is to be prepared to the requirements of City of Darwin and the Department of Transport to the satisfaction of the consent authority.
3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation) a traffic management plan detailing construction access, proposed haulage routes, vehicle types and a risk assessment is required to be submitted to the requirements of the Department of Transport, to the satisfaction of the consent authority.
4. Prior to the endorsement of plans and prior to the the commencement of works (including site preparation) a waste management plan in accordance with Council's Waste Management Policy 054 is required to be submitted, to the requirements of the 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) an Erosion and Sediment Control Plan (ESCP), including details and location of stormwater drains, is to be prepared to the requirements of an independent suitably qualified professional and submitted to and approved by the consent authority on the advice of the Department of Land Resource Management, and an endorsed copy of the Plan will form part of this permit. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the satisfaction of the consent authority. The Department of Land Resource Management advises that the IECA Best Practice Erosion and Sediment Control Guidelines 2008 may be referenced as a guide to the type of information, detail and data that should be included in the ESCP.
6. Prior to the endorsement of plans and prior to the commencement of works (including site preparation) a detailed 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. Plans must be drawn to scale with dimensions and show:
 - (a) details of surface finishes of pathways and driveways;
 - (b) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - (c) landscaping and planting within the area immediately adjacent to proposed works;
 - (d) existing vegetation to be retained and removed.All species selected must be to the satisfaction of the consent authority.

GENERAL CONDITIONS

7. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
8. The owner of the land must enter into agreements with the relevant authorities for the provision of drainage, electricity, water, sewerage and telecommunications services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
9. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
10. The 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.
11. Prior to the commencement of use, a six meter wide easement along the northern boundary of Lot 1064, Hundred of Bagot, is to be registered in favour of Lot 2845, Hundred of Bagot, for the purpose of providing egress to Vanderlin Drive.
12. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of, and be at no cost to the City of Darwin, to the satisfaction of the consent authority.
13. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways;
 - (c) collect stormwater and discharge it to the drainage network; and
 - (d) undertake reinstatement works;All to the technical requirements of, and at no cost to, the City of Darwin, and to the satisfaction of the consent authority.
14. 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.
15. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.
16. Before the 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. All air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring

properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.

18. 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.
19. All substation, fire booster and water meter arrangements are to be appropriately screened to soften the visual impact of such infrastructure on the streetscape. Details will need to be resolved to the satisfaction of the consent authority in consultation with the Power and Water Corporation, and Fire and Emergency Services.
20. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
21. Any lighting installed as part of the development is to consider 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>.
22. The site is to be kept clean of rubbish and any storage of waste is to be managed at all times in a manner so as to not attract birds or bats, to the satisfaction of the consent authority.

NOTES:

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

Council's requirements to the satisfaction of the City of Darwin and at no cost to Council.

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. The proposal is consistent with the primary purpose of Zone SC (Service Commercial), being to provide for commercial activities which, because of the nature of their business or size of population catchment, require large sites.
2. A reduction in the number of car parking spaces required from 323 bays to 311 bays is acceptable as the non-compliance is minor relative to the size of the site it is not anticipated that there will be any significant impact on the adjoining land or road network. The use of the site in conjunction with the adjacent (and commonly owned) site allows cross utilisation and delivers a higher efficiency and turn-over than would apply to smaller sites.
3. Pursuant to section 51(m) of the *Planning Act*, the consent authority must take into account the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer. In addition, pursuant to section 51(j) of the *Planning Act*, the consent authority must also take into account the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.

Precedent and general conditions on the development permit require: a schematic stormwater management plan, a traffic impact assessment report, a traffic management plan, an erosion and sediment control plan, and a waste management plan. It is anticipated that these measures, combined with standard conditions relating to the connection and upgrade of utility services and the provision and treatment of easements, are expected to ensure that the land is developed in accordance with physical capabilities; address concerns raised by service authorities; and, ensure utility and infrastructure requirements are appropriately addressed.

4. Satisfaction of section 9.21 '*Lighting in the Vicinity of Aerodromes*' of the CASA Manual of Standards Part 139 is required in order to meet subclause 4 of clause 6.9 (Land in Proximity to Airports), which requires that "lighting associated with development on land within flight approach paths is not to prejudice the safe operation of an airport".
5. A detailed landscape plan is required to ensure the visual impact of the building is reduced and that sufficient shading and screening of open expanses of pavement and car parking is provided.

6. It is necessary the site is kept clean of rubbish and any waste which is stored on the site is to be covered at all times to ensure that the development is in accordance with subclause 5 of clause 6.9 (Land in Proximity to Airports) which states that the development of "land is not to be of a nature that attracts birds or bats to an extent that prejudices the safe operation of an airport".

ACTION: Notice of Consent and Development Permit

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


GRANT TAMBLING
Delegate

27/6/14

