DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 223 – FRIDAY 6 DECEMBER 2013

BROLGA ROOM
NOVOTEL DARWIN ATRIUM
100 THE ESPLANADE
DARWIN

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

APOLOGIES: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), Linda Henning, Steven Conn, and for part of the meeting Sally Cunningham, Anthony Brennan and Dawn Parkes (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 9.00 am and closed at 2.30 pm
ITEM 1
PA2013/0685

ADDITIONS TO AN EXISTING TEMPORARY SHORT TERM, SHORT STAY ACCOMMODATION VILLAGE (STAGES 4, 5 & 6) COMPRISING 272 ROOMS AND EXTENSIONS TO KITCHEN/DINING FACILITIES.
LOT 4445 (9) BATTEN ROAD, HUNDRED OF BAGOT

APPLICANT
AUSCO MODULAR PTY LTD.

Mr Myke Cavanagh (Ausco Modular) and Ms Katrina Shoobridge (Flanagan Consulting Group) attended.

RESOLVED
278/13

That, pursuant to section 53(b) of the Planning Act, the Development Consent Authority alter the proposed development and consent to the proposed development to develop Section 4445 (55) Batten Road, Hundred of Bagot for the purpose of additions to an existing temporary short term, short stay accommodation village in 4 stages (Stages 4, 5, 6 & 7), comprising 251 rooms, extensions to kitchen/dining facilities and a car parking area, 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 stormwater management plan demonstrating the on-site collection of stormwater to the requirements of City of Darwin and/ or the Land Administration Division of the Department of Lands, Planning and the Environment as the case may be to the satisfaction of the consent authority.

2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a comprehensive Traffic Impact Assessment Report is to be prepared to the requirements of City of Darwin and the Road Network Division of 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), 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 should specifically address waste management, traffic control, haulage routes, stormwater drainage, and the use of City of Darwin Land during construction.

4. 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 the consent conditions.

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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.

5. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to submit amended plans showing increased weather protection of the accommodation buildings. This can be done by either:

(a) Vertical awnings to the eastern and western facades of the accommodation buildings; or
(b) Landscaping capable of providing shade to the eastern and western facades of the accommodation buildings; or
(c) A combination of the above.
Any landscaping provided for the purpose of weather protection for the buildings shall also be included in the detailed landscape plan. All of the above shall be to the satisfaction of the consent authority.

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. The landscaping plan must be generally in accordance with the landscape concept plan dated November 2013 prepared by Mode Design, except that the plans must 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 he 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.

7. Prior to the endorsement of plans and prior to the commencement of works (including site preparation) amended plans showing adequate screening

GENERAL CONDITIONS

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

9. All car parking associated with the site must be provided for on the site. Should the consent authority determine the car parking area associated with stages 1 to 3 to become insufficient to provide parking for the whole development (stages 1-6), the developer shall be required to develop part or all of the stage 7 car parking to the satisfaction of the consent authority.

10. The development must proceed in the order of stages as shown on the endorsed plan unless otherwise determined by the consent authority.
11. Should part or all of Stage 7 (parking area) be required, the car parking must be available at all times for the exclusive use of the occupants of the development and their visitors/residents.

12. Should part or all of Stage 7 (parking area) be required, 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.

13. 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.

14. 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.

15. Before the use/occupation of the development starts, a waste management plan addressing the City of Darwin's Waste Management Policy 054 must be prepared to the requirements of the City of Darwin, to the satisfaction of the consent authority.

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. 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.

19. 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.

20. 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.

21. 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.

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


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

3. A “Permit to Work Within a Road Reserve” may be required from the Department of Transport or City of Darwin before commencement of any work within the McMillan’s and Amy Johnson Road reserves. A “Permit to Work Within a Road Reserve” may be required from City of Darwin before commencement of any work within local road reserves.

4. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the Building Code of Australia, the NT Public and Environmental Health Act and Regulations, the NT Food Act and 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. The proposal is consistent with the primary
purpose of Zone SD39, to ‘facilitate the use and development of Section 4445 for the temporary use of a short term, short stay, accommodation village as well as uses consistent with Zone CP (Community Purposes)’.

2. A delay in the provision of on-site car parking is acceptable as the development permit conditions require Stage 7 to be set aside for the full provision of parking should the parking bays associated with stages 1 to 3 become inadequate to fully provide for the whole development (stages 1-6). In the event the area set aside for parking is not required, it would remain undeveloped with areas of remnant vegetation, which is known to be a better environmental outcome for drainage and overland water flow than a large area of hardstand development. The use of the land is temporary (up to 15 years from the commencement date of the Crown Lease), and an over provision of car parking infrastructure is considered an inefficient use of resources in this instance.

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, an environmental construction 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. 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
ITEM 2
PA2013/0800
INSTALLATION 4 LIGHT POLES TO AN EXISTING PUBLIC SPORTING GROUND (MALAK OVAL)
LOT 2284 (13) MALAK CRESCENT, TOWN OF SANDERSON
APPLICANT
CITY OF DARWIN

Ms Cindy Robson (Strategic Planner City of Darwin) attended.

RESOLVED
279/13
That, the Development Consent Authority vary the requirements of Clause 6.1 (General Height Control of the Northern Territory Planning Scheme and pursuant to section 53(a) of the Planning Act consent to the application to Lot 2284 (13) Malak Crescent, Town of Sanderson for the purpose of installation of 4 light poles (28m) to an existing public sporting ground (Malak Oval), subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings numbered 2013/0800/1 to 2013/0800/4 endorsed as forming part of this permit.

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

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


5. 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.

6. The lighting may only operate until 9:00pm.

NOTES:

1. Department of Defence advise that a separate request for assessment and approval under the Defence (Area Control) Regulations must be submitted to the Minister’s Delegate at the following address:

   Assistant Secretary Estate Planning
   Department of Defence
   BP3-1-B001
   Brindabella Park
   CANBERRA ACT 2602
Until such time as an approval is obtained, the applicant may not construct any structure on the site that exceeds 15m AGL.

2. Separate requests for assessment and approval must be submitted to Darwin International Airport and 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 Services – Operations (PANS-OPS) surfaces for Darwin Airport.

3. The owner shall provide RAAF Aeronautical Information Service (AIS) with ‘as constructed’ details. RAAF AIS has a web site with a Vertical Obstruction Report Form www.raafais.gov.au/obstr_frm.htm which can be used to enter the location and height details of tall structures.

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

5. The Power and Water Corporation advises that the developer is responsible for safety clearance compliance between existing overhead powerlines in the area and any new building or extension during construction and its completed stage in accordance with the NT Electricity Reform (Safety and Technical) Regulations 2000. If any work is required on exiting overhead powerlines, the design and installation cost shall be borne by the developer.

6. 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.

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

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

**REASONS FOR THE DECISION**

1. The proposed development is generally in accordance with the primary purpose of the Zone PS (Public Open Space) which is “to provide areas for recreational activity” and Zone OR (Organised Recreation) which is “to provide areas for organised recreational activity”. The proposal is for lighting facilities to an existing public sporting ground to facilitate
recreational use in the evenings until 9:00pm and is seen to be furthering the recreational opportunities of the land as expressed in the purpose.

2. A variation to Clause 6.1 (General Height Control) is acceptable as the lighting towers are located and orientated away from adjacent uses and public streets, and the existing vegetation between the development area and the adjacent Zone SD acts to soften the impact of the lighting towers and the effect of the development on the existing and future amenity of the locality.

3. The development will not unduly impact on the existing and future amenity of the area, as encouraged by section 51(n) of the Planning Act. The report concludes that the height and spread of the poles ensures an even light distribution across the principal playing area which should ensure the proposal will not result in any adverse impacts on the adjoining and surrounding land uses. Light spill to adjoining land appears minimal, and the application proposes to limit the use of the lights to 9:00pm to minimise potential after hour noise related issues. Additionally, the community consultation report did not uncover any local concern with the proposal and it is considered that there will not be any significant impact on the existing and future amenity of the area.

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”.

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

**ITEM 3**
**PA2013/0852**
**ANCILLARY STAFF ACCOMMODATION ADDITION TO AN EXISTING CARAVAN PARK DEVELOPMENT**
**SECTION 3244 (11) FARRELL CRESCENT, HUNDRED OF BAGOT**

**APPLICANT** MASTERPLAN NT

Ms Adelle Godfrey and Mr Nigel Bancroft (Masterplan NT) attended.

**RESOLVED**
**280/13**

That, pursuant to section 53(a) of the Planning Act, the Development Consent Authority consent to the application to develop Section 3244 (11) Farrell Crescent, Hundred of Bagot for the purpose of an ancillary staff accommodation addition to an existing caravan park development, subject to the following conditions:

**CONDITIONS PRECEDENT**

1. Prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Darwin’s stormwater drainage system shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority. The plan shall include details of site levels and Council’s stormwater drain connection point/s.
2. Prior to the commencement of works, the applicant is to 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 should specifically address waste management, traffic control, haulage routes, stormwater drainage, and the use of City of Darwin land during construction.

GENERAL CONDITIONS

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

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

5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, internal fire fighting arrangements, drainage, sewerage facilities and electricity to the land shown on the endorsed plan in accordance with the authorities’ requirements and relevant legislation at the time.

6. 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.

7. Waste bin storage and pick-up shall be provided in accordance with City of Darwin Policy Number 54 – Waste Management, to the requirements of City of Darwin, to the satisfaction of the consent authority.

8. The restaurant and staff accommodation addition shall be constructed such that its meet the acoustic performance ratings given in Australian Standard AS 2021 – 2000 ‘Acoustics – Aircraft Noise Intrusion – Building Siting and Construction’.

9. The staff accommodation is ancillary to the existing caravan park development and is only to be used by staff employed by the caravan park.

10. 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:

11. 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.

12. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
13. No polluted and/or sediment laden run-off is to be discharged directly or indirectly to City of Darwin drains or to any watercourse.

NOTES:

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

2. Notwithstanding the approved plans, any 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.

3. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the National Construction Code (formally Building Code of Australia), *NT Public Health and Environmental Health Act* and the proposed NT Public Health Draft Guidelines for Commercial Visitor Accommodation.

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

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

REASONS FOR THE DECISION

1. The proposed development is ancillary to the existing caravan park and consistent with the primary purpose of Zone CV (Caravan Parks), being “to provide for caravan parks”.

2. The introduction of ancillary staff accommodation to an existing caravan park is compatible with the existing use on the site, it is not expected to result in any detrimental amenity impacts in the area, and subject to the satisfaction of all conditions, including the requirement to meet acoustic treatment criteria, no amenity impacts are expected.

3. Construction to the standards of Australian Standard AS 2021 – 2000 'Acoustics – Aircraft Noise Intrusion – Building Siting and Construction' shows that the proposal acknowledges the ANEF contour value that affects the land, and ensures that the staff accommodation will be protected against the majority of noise impacts resulting from the site's
proximity to Darwin airport. The development satisfies the purpose of clause 6.9 (Land in Proximity to Airports) of the Planning Scheme, to “minimise the detrimental effects of aircraft noise on people who reside or work in the vicinity of an airport”.

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. 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”.

6. 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 appropriate stormwater drainage system, and to ensure that no stormwater will sheet-flow into the road reserve or onto adjoining properties.

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

**ITEM 4**
**PA2013/0815**
**SINGLE DWELLING IN EXCESS OF 8.5M IN HEIGHT WITH A REDUCED SIDE SETBACK**
**LOT 2892 (2) CHRISTIE STREET, TOWN OF DARWIN**

**APPLICANT** GEORGE SAVVAS

Mr George Savvas attended.

**RESOLVED**
**281/13**
That, the Development Consent Authority vary the requirements of Clause 7.1.2 (Residential Height Limitations) and 7.3 ‘Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application to develop Lot 2892 (2) Christie Street, Town of Darwin for the purpose of a single dwelling in excess of 8.5m with reduced front and side setbacks, subject to the following conditions:

**CONDITION PRECEDENT**

1. Prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the local stormwater drainage system shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority. The plan shall include details of site levels and stormwater drain connection points.
GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings numbered 2013/0815/1 through to 2013/0815/11, endorsed as forming part of this permit.

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

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

5. 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.

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

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

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

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

NOTES:

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

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

3. A "Permit to Work within a Road Reserve" may be required from the City of Darwin before commencement of any work within the road reserve.

4. City of Darwin by-laws require that a building number is displayed in a position clearly visible from the street.

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.

REASONS FOR THE DECISION

1. The proposed single dwelling is consistent with the purpose of Zone SD (Single dwelling) of the Northern Territory Planning Scheme, being to provide for single dwelling on individual lots.

2. The variation to the requirements of Clause 7.1.2 (Residential Height Limitations) is acceptable as the areas of non-compliance are minor and not expected to cause any undue overlooking to adjoining properties. The floor level of the upper level is reasonable at 3.9m, and the proposed building is setback from the front boundary well in excess of the planning scheme requirements. It is considered that the development will not unduly impact on the adjoining or nearby landowners and as such a variation to the requirements of Clause 7.1.2 (Residential Height Limitations) is acceptable.

3. A variation to the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) is considered acceptable. The proposed gatehouse is a non-habitable open structure and is expected to provide a high quality appearance when viewed from the street. The open pergola along the northern side boundary is designed with minimal bulk and is considered to have little or no impact on breeze penetration or when viewed from adjoining land. The garage is single storey and non-habitable and extends for a distance of approximately 8m along the southern boundary, with the remainder of the house setback well in excess of the planning scheme requirements. The proposal is consistent with the purpose of the clause and compatible with the streetscape and surrounding development.
4. City of Darwin advises it is the sole authority responsible under the Local Government Act and associated by-laws for stormwater drainage and as such has requested details of the collection and discharge of stormwater for this proposal.

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

**ITEM 4A**  
**PA2013/0765**  
**CHANGES TO THE DEVELOPMENT APPROVED BY DP13/0121 FOR 303 BED STUDENT ACCOMMODATION DEVELOPMENT IN AN 8 STOREY BUILDING INCLUDING GROUND LEVEL CAR PARKING**  
**LOT 9576 (247) TROWER ROAD, TOWN OF NIGHTCLIFF**  
**APPLICANT** JUNE D’ROZARIO & ASSOCIATES

Ms June D’Rozario (June D’Rozario & Associates), Mr Dick Guir, Mr Toby Preece, Mr Paul Gurr (Sitzler) and Mr Evan Chalmers (GPT) attended.

Ms D’Rozario tabled:-
- a response to issues raised during assessment and comments on recommended conditions; and
- a letter from Unilodge in relation to the accommodation.

**RESOLVED**  
**282/13**

That, pursuant to section 46(4)(b) of the Planning Act, the Development Consent Authority defer consideration of the application to develop part Lot 9576 (247) Trower Road, Town of Nightcliff for the purpose of changes to the development approved by DP13/0121 for 303 bed student accommodation development in an 8 storey building including ground level car parking to require the applicant to provide the following additional information that the Authority considers necessary in order to enable proper consideration of the application:-

In light of the additional information provided by the applicant at the meeting on 6 December 2013; particularly in regards to the potential for the proposed building to be occupied by non-student tenants (alternative occupants) in the circumstance of insufficient demand for student accommodation:
- identification of the terms of the proposed lease and the circumstances in which the operator will be able to offer the proposed student accommodation to ‘alternative occupants’ who are not enrolled in an accredited course at the Charles Darwin University;
- how additional car parking is proposed to be accessed and provided for in the circumstance that the proposec student accommodation is tenanted by ‘alternative occupants’;
- advice on the exemption from the Residential Tenancies Act identified in the applicant’s Statement of Effect, in the circumstances that the student accommodation is tenanted by ‘alternative occupants’;
- the intended availability and opportunity for ‘alternative occupants’ to access and utilise the proposed student communal facilities on Level 2;
- Any special circumstances that the applicant wishes to have considered in relation to variations to clauses of the NT Planning Scheme that are applicable to ‘multiple dwellings’ in Zone C noting that all the suites meet the test for a ‘self-contained residence’; and
• Any information further to that already submitted, that the applicant wishes to have considered in relation to why the development should not be categorised for assessment purposes under the NT Planning Scheme as either a ‘hostel’ or ‘multiple dwellings’.

REASON FOR THE DECISION

Pursuant to sec 46(4)(b) of the Planning Act, the consent authority may defer consideration of a proposal to allow the applicant to provide additional information it considers necessary to enable proper consideration of the proposal. The additional information required is outlined in the determination.

ACTION: Advice to Applicant

ITEM 5 8 WAREHOUSES WITH ANCILLARY OFFICES IN 4 X 2 STOREY BUILDINGS.
PA2013/0808 SECTION 6411 (11) MILES ROAD, HUNDRED OF BAGOT
APPLICANT GEORGE SAVVAS

Mr George Savvas attended.

RESOLVED That, pursuant to section 53(a) of the Planning Act, the Development Consent Authority consent to the application to develop Section 6411 (11) Miles Road, Hundred of Bagot, for the purpose of 8 warehouses in 4 x 2 storey buildings, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of works (including site preparation), a plan is to be provided that demonstrates improved shading to the internal spaces of the units, noting the large windows presenting for each unit, and that this could possibly be done through the use of awnings, to the satisfaction of the consent authority.

2. 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 and to the satisfaction of the consent authority.

3. 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.

GENERAL CONDITIONS

4. The works carried out under this permit shall be in accordance with the drawings numbered 2013/0808/01 through to 2013/0808/06, endorsed as forming part of this permit.

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5. The development must be designed and constructed to comply with Australian Standard AS 2021 – 2000 ‘Acoustics – Aircraft Noise Intrusion – Building siting and construction’, and a statement from a suitably qualified acoustic engineer must be submitted to the consent authority, prior to the occupation of the development confirming compliance with AS 2021 – 2000, to the satisfaction of the consent authority.

6. External lights must be designed, baffled and located to prevent any adverse effect on adjoining land, roads, and on the operation of the Darwin RAAF Base and Darwin International Airport, to the satisfaction of the consent authority.

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

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

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

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

11. Before the use or occupation of the development starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
(a) constructed;
(b) properly formed to such levels that they can be used in accordance with the plans;
(c) surfaced with an all-weather-seal coat; and
(d) drained;
to the satisfaction of the consent authority.
Car spaces, access lanes and driveways must be kept available for these purposes at all times.

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

15. No goods are to be stored or left exposed outside the building so as to be visible from any public street.

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

17. Storage and collection of waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.

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

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

NOTES:

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

2. The City of Darwin advises that, notwithstanding the approved plans, any proposed awnings, footpaths and landscaping works within Council’s road reserve are subject to approval from the City of Darwin, and shall be undertaken at no cost to Council.

3. Notwithstanding the approved plan, all signage is subject to approval from the City of Darwin, and is to be at no cost to the City of Darwin.

4. The Power and Water Corporation advises that:
   - Payment is to be made in accordance with PAWC’s ‘water and sewerage services extension policy’ (WASSEP) prior to the receipt of development clearance from PAWC.
   - The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and the Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction.
works commencing in order to determine the servicing requirements of the Corporation, and the need for upgrading of on-site and/or surrounding infrastructure.

- The developer is responsible for safety clearance compliance between existing overhead power lines in the area and any new building or extension during construction and its completed stage, in accordance with the NT Electricity Reform (Safety and Technical) Regulations 2000. Any work that may be required on existing overhead power lines shall be at no cost to PAWC.

5. The developer is required to contact ‘Dial Before You Dig’ on 1100 to obtain a location of the Telstra Network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.

6. The site is subject to the ‘Defence Areas Control Regulations (DACR)’. All structures, including temporary structures, higher than 15m above ground level, including, but not limited to, additional buildings, light poles, cranes used during construction, vegetation etc., require approval from the Department of Defence.


8. 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 so as not to create sun or headlight reflection to motorists, and be located entirely (including foundations and aerially) within the subject lot.

REASONS FOR THE DECISION

1. The development is generally consistent with the purpose of schedule SD31 (Specific Use No. 31 – Darwin), which is to “facilitate the development of the site for commercial purposes which respond to exposure to aircraft noise”. The development is appropriate to the site and surrounding locality and is consistent with other uses within the Berrimah Business Park.

2. Greater information is required on the shading being provided to the units, in recognition of subclause 2(e) of clause 8.2 (Commercial and Other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T, to “maximise energy efficiency through passive climate control measures”.

3. With reference to section 51(a) of the Planning Act, it is recognised that the development is compliant against all prescriptive controls of the Northern Territory Planning Scheme.
4. In accordance with the requirements of section 51(m) of the Planning Act, consideration has been given to all comments received from service authorities, with all relevant matters addressed through conditions or notes on the development permit, thereby ensuring that an appropriate level of service is maintained for the site and surrounding locality, and that the impact of the development does not unduly spread to the surrounding area. This is of particular relevance to the conditions and notes that have been included to ensure that the development does not detrimentally impact on the operations of the Darwin International Airport and the condition precedents requested by the City of Darwin.

5. 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 Council's stormwater drainage system, and to ensure that no stormwater will sheet-flow into the road reserve or onto adjoining properties.

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

**ITEM 6**
**PA2013/0809**
**APPLICANT**

3 X 3 BEDROOM MULTIPLE DWELLINGS IN 1 X 2 STOREY BUILDING
LOT 689 (6) SCHULTZE STREET, TOWN OF DARWIN

GROUP 1 CONSULTING PTY LTD.

Group 1 Consulting sent their apologies.

Mr Brad Cunnington and Mr Nigel Bancroft (Masteplan NT) attended on behalf of the applicant.

Mr Cunnington tabled an approved by Council a stormwater drainage layout and a landscaping plan.

Submitters in attendance:- Mr Greg & Mrs Linda Perry, Mr John Hofmeyer and Mr David Bridgman.

**RESOLVED**
**284/13**

That, the Development Consent Authority vary the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) and Clause 7.5 (Private Open Space) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application to develop Lot 689 (6) Schultz Street, Town of Darwin for the purpose of a 3 x 3 bedroom multiple dwellings in 1 x 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 and supporting documentation 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 be provided electronically in Adobe PDF format. The plans must be generally in accordance with the plans submitted with the application.
but modified to:

(a) demonstrate, to the satisfaction of the consent authority, that the proposed development will not unreasonably intrude on or compromise the privacy of adjoining residential properties; and

(b) include:
I. the location of the 1m x 1m electricity easement on the site required by the Power and Water Corporation (suitability of the location of the easement is to be verified by the Power and Water Corporation);
II. screening of air-conditioner equipment adjacent to Unit 1 from adjoining Lot 690 Schultz Street; and

(c) include a detailed landscape plan, providing:
I.a planting schedule of all proposed plants, including any existing vegetation to be retained, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
II. landscaping and planting within all open areas of the site;
III. details of surface finishes of pathways and driveways;
IV. provision of an in ground irrigation system to all landscaped areas;
V. planting selected with a view to integrating the development into the streetscape;
VI. screen planting, generally as detailed in the drawing numbered 1205 – TPO2 and prepared by Group 1 Consulting Pty Ltd;
VII. planting between first floor balconies of Units 1 – 3 respectively and adjoining Lot 3672, selected with a view to reasonably limiting overlooking of adjoining properties;
VIII. planting between front balconies to Unit 1 and adjoining Lot 690 and between Unit 3 and adjoining Lot 688, selected with a view to reasonably limiting overlooking of private open space areas and/or habitable rooms;
IX. planting between first floor windows to Unit 1 and adjoining Lot 690 and between Unit 3 and adjoining Lot 688, selected with a view to reasonably limiting overlooking of private open space areas and/or habitable rooms (except where windows are suitably raised or fitted with opaque glass).

All species selected must be to the satisfaction of the consent authority.

Note
The consent authority encourages retention of established trees and planting wherever possible and practical.

2. Prior to the commencement of works, a Construction Environmental Management Plan (CEMP) must be prepared to the standards of the Infrastructure Division, City of Darwin, to the satisfaction of the consent authority. The CEMP should specifically address:
(a) waste management;
(b) traffic control;
(c) haulage routes;
(d) stormwater drainage;
(e) use of City of Darwin land; and
(f) how land will be managed during the construction phase of the development.

3. Prior to the commencement of works (including site preparation), the applicant
is to prepare a schematic plan demonstrating all stormwater to be collected on the site and discharged underground to Council's stormwater drainage system, to the requirements of City of Darwin and to the satisfaction of the consent authority.

4. Prior to the commencement of works, a Waste Management Plan (WMP) must be prepared to the standards of the Infrastructure Division, City of Darwin, to the satisfaction of the consent authority.

**GENERAL CONDITIONS**

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

6. An electricity easement must be created and registered on the Title of Lot 689 in accordance with the requirements of the relevant authority and vested in the relevant authority, to the satisfaction of the consent authority.

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

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

9. 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.

10. The kerb crossover and driveway to the site boundary approved by this permit is to meet the technical standards of the City of Darwin, to the satisfaction of the consent authority.

11. 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.

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

13. Before the use or occupation of the development starts, the driveway and parking areas as shown on the endorsed plans must be:
   a) constructed;
   b) properly formed to such levels that they can be used in accordance with the plans.
c) surfaced with an all-weather-seal coat; and
d) drained;
to the satisfaction of the consent authority.
Car spaces and driveways must be kept available for these purposes at all times.

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

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

16. All air conditioning condensers are to be appropriately screened from public view and adjoining properties, located in accordance with the endorsed plans and condensate disposed of to ground level in a controlled manner, to the satisfaction of the consent authority.

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

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

NOTES:

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

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

3. A “Permit to Work Within a Road Reserve” may be required from the City of Darwin before commencement of any work within the road reserve.

4. You are advised to contact “Dial Before You Dig” on 1100 to obtain a location of the Telstra Network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.
REASONS FOR THE DECISION

1. The proposed development is consistent with the purpose of Zone MD (Multiple Dwelling Residential) which is to provide for a range of housing options to a maximum height of two storeys. The predominant land use in The Schultz Street streetscape is presently characterised by:
   (a) single dwellings on relatively large lots; and
   (b) well-established landscaping

The subject lot is one of six MD zoned lots in Schultz Street, all located on the north-eastern side of the street. Four of the five lots to the south-western side of Schultz Street are zoned SD (Single Dwelling Residential) with the fifth (Lot 5985) zoned CP (Community Purpose) and developed with an Australian Red Cross centre.

Notwithstanding reduced front setbacks to Unit 1 and Unit 3 respectively, the design provides a substantial front setback to Unit 2 and the development is expected to be compatible with the streetscape and surrounding development, subject to suitable planting being implemented and becoming established. The scale, character and architectural style of this development is considered to be consistent with that of surrounding properties and the streetscape and future development reasonably anticipated on other MD zoned sites in the locality that are yet to be developed with multiple dwellings.

2. The proposed dwelling density is considered to be appropriate to the site, as:
   (a) the density complies with the Scheme provision for Zone MD;
   (b) neither the City of Darwin, not the Power and Water Corporation has identified any concerns in relation to the existing and planned provision of reticulated services and community facilities within the area; and
   (c) neither the Department of Land Resource Management nor the Department of Lands, Planning and the Environment has identified any concerns with respect to the capability of the land to accommodate the proposed development.

3. There are a number of circumstances which exist in relation to the proposed development which, collectively are considered to constitute a reasonable basis for supporting the requested variations to clause 7.3 of the Planning Scheme, including that:
   (a) no significant building massing effect on the streetscape or adjoining properties is expected, as the design/proposal
      (i) provides:
         • varied roof pitch, materials and window treatment and building setbacks;
         • articulation of the buildings; and
      (ii) complies with:
         • front setback requirements except with respect to garages and balconies to Units 1 and 3; and
         • side and rear setback requirements except with respect to side boundary setbacks to the dining room (ground floor) and study (first floor) to Unit 1;
and
(b) the non-compliant side setback relates to a limited part (i.e. approximately 3.7m) of the total length of the dwelling; and
(c) the design of the development is expected to allow breeze penetration to, and through the dwellings; and
(d) the proposed dwellings are expected to be compatible with the streetscape and are not expected to unduly its character or amenity; and
(e) proposed landscaping significantly exceeds the minimum requirements and, once established, may be expected to assist in integrating the development into the streetscape.

4. There are a number of circumstances which exist in relation to the proposed development which, collectively are considered to constitute a reasonable basis for supporting the requested variations to the minimum dimension requirements under clause 7.5.2(a) of the Planning Scheme, including that:
(a) each dwelling has:
(i) an outdoor living area and plunge pool that is directly accessible from the dwelling and designed as an extension to an indoor living area; and
(ii) a balcony directly accessible from the master bedroom;
(iii) adequate space set aside to provide for domestic purposes; and
(b) the proposed private open space provision is expected to contribute to a high level of residential amenity for occupants of the dwellings, without unduly impacting on the amenity of adjoining properties, subject to satisfactory screening between the site and adjoining properties; and
(c) the granting of the requested variations is not expected to frustrate the purpose of clause 7.5 of the Planning Scheme.

5. Pursuant to section 51(e) of the Planning Act, in considering a development application the consent authority is required to take into account any submissions made under section 49 of the Act and any evidence or information received under section 50 of the Act. Submissions received from the public indicated a range of concerns in relation to the proposal, relating to matters including:
(a) potential adverse impacts on the amenity of adjoining properties and other properties in the area;
(b) perceived incompatibility of the proposed development with the established character and amenity of the street and locality;
(c) potential traffic and parking impacts;

Issues raised in submissions and matters listed under section 51 of the Planning Act have been duly considered.

6. Pursuant to section 51(h) of the Planning Act the consent authority must take into consideration the merits of the proposal. The proposal is expected to benefit the local community through the provision of additional residential accommodation and to offer occupants a high level of residential amenity.

7. Pursuant to section 51(n) of the Planning Act the consent authority must take into consideration the potential impact on the existing and future

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amenity of the area in which the land is situated. The proposed
development is not expected to unreasonably impact on the amenity of
occupants of neighbouring properties, or the streetscape or locality
generally, subject to compliance with the conditions of approval set out
in the Development Permit.

8. The conditions of approval are expected to assist in ensuring the orderly
development and servicing of the land.

ACTION: Notice of Consent and Development Permit

ITEM 7
PA2013/0805

40 X 1, 10 X 2 AND 2 X 3 BEDROOM SERVICED APARTMENTS AND RECEPTION
AREA IN A 10 STOREY BUILDING INCLUDING GROUND LEVEL AND BASEMENT
CAR PARK AND ROOF TOP DECK
LOT 5700 (10) LEYDIN COURT, TOWN OF DARWIN

APPLICANT
BRUCE BALDEY

Mr Bruce Baldey attended.

RESOLVED
285/13
That, the Development Consent Authority vary the requirements of clauses 6.3.2
(Volumetric Control in Central Darwin) and 6.3.3 (Urban Design Requirements in
Central Darwin), 6.5.3 (Parking Layout) and 7.5 (Private Open Space) of the Northern
Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent
to the application to develop Lot 5700 (10) Leydin Court, Town of Darwin, for the
purpose of 40 x 1 bedroom, 10 x 2 bedroom and 2 x 3 bedroom serviced apartments
and reception area in a 10 storey building including ground level and basement
carparking and a rooftop deck, 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
must outline changes that will be required to the surrounding road network and
address vehicular, pedestrian, cyclist and public transport issues and

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

4. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to provide amended plans, generally consistent with those submitted with the application, that show improved cross flow ventilation in the foyers, complying with fire requirements, potentially through the use of high level (1.8m or higher) openable windows to the foyers.

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 verge immediately to the front of Lot 5700, Town of Darwin, is to be upgraded, including with improved landscaping, to the requirements of the City of Darwin, to the satisfaction of the consent authority.

7. All works recommended by the Traffic Impact Assessment report are to be completed to the requirements of the City of Darwin, to the satisfaction of the consent authority.

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. Any easements required for the reticulation of water supply, drainage, sewerage facilities, electricity or telecommunication services shall be provided in accordance with the relevant authority's requirements and applicable legislation at the time, at no cost to those authorities.

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

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

12. Before the use or occupation of the development starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
(a) constructed;
(b) drained;
(c) line marked to indicate each car space and all access lanes; and
(d) clearly marked to show the direction of traffic along access lanes and driveways;
to the satisfaction of the consent authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.

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

16. All air conditioning condensers are to be appropriately screened from public view, located as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner, to the satisfaction of the consent authority.

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

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

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

20. 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.

21. 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.

22. 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.

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

2. Notwithstanding the approved plans, any proposed works (including landscaping and structures) within Council’s road reserve and Council land is subject to Council’s approval and shall meet all Council’s requirements, to the satisfaction of the General Manager of Infrastructure, City of Darwin and at no cost to Council.

3. The Power and Water Corporation advises that:
   - Payment is to be made in accordance with PAWC’s ‘water and sewerage services extension policy’ (WASSEP) prior to the receipt of development clearance from PAWC.
   - The Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and the Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the servicing requirements of the Corporation, and the need for upgrading of on-site and/or surrounding infrastructure.

4. The developer is to contact Telstra via the following website prior to any work commencing to facilitate the installation of the Telstra network: http://www.telstrasmartcommunity.com/, and is to register the development with NBN Co at http://www.nbnco.com.au/getting-connected/new-developments.html.

5. The developer is required to contact ‘Dial Before You Dig’ on 1100 to obtain a location of the Telstra Network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.

6. 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. The Department of Defence has advised that separate approval is required from the Department of Defence under regulation 10 of the Defence (Areas Control) Regulations (DACR). Until such time as an approval is obtained the applicant is not to construct any structure on the site that exceeds 45m above ground level. Please refer to regulation 8 of the DACR, which outlines the application process and the information required. A copy of the regulation can be obtained at http://www.comlaw.gov.au.

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

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

REASONS FOR THE DECISION

1. The proposal is consistent with the primary purpose of zone CB (Central Business), being “To provide for a diversity of activities including administrative, judicial, professional, office, entertainment, cultural, residential, retail and other business activities, with a commitment to the separation of incompatible activities”, presenting a largely residential development with a commercial basis, being for the purpose of serviced apartments.

2. A variation to the requirements of clause 6.3.2 (Volumetric Control in Central Darwin) of the Northern Territory Planning Scheme is supported as the variation being sought is due to the side facades being 1.4m, or 2.4%, greater than that ordinarily permitted by this clause. This is a very minor variation in the context of the length of the two side boundaries, averaged at 57.5m, and the fact that the building extends into the second tier for a vertical distance of just 6.43m (Tier 2 commences at 25m AGL). The narrow nature of the site and the minor extent of the non-compliance are considered special circumstances for this development, sufficient to justify the waiver mentioned. The non-compliance mentioned here will not impact on the development’s ability to satisfy the purpose of this clause, to “Ensure that the siting and mass of buildings within Central Darwin promotes a built form that maximises the potential for view corridors to Darwin Harbour, the penetration of daylight and breeze circulation between buildings, and promotes privacy for residents of adjoining properties”.

3. A variation to the requirements of subclause 3 of clause 6.3.3 (Urban Design Requirements in Central Darwin) of the NT Planning Scheme is supported as the development presents an open and inviting frontage for residents and guests, with an open entrance space, adjacent to the ground level office, and with some landscaping at each end, thereby presenting a development that allows for interactivity with the street. The shape of the site, which is long and narrow, also results in a development that has the majority of its activity along one of the longer, more useable sides. As can be seen from the ground floor plan, the western side extent of the ground level is virtually 100% active, incorporating landscaping, active and passive recreational uses and a frontage to the reception. The level of activity is a response to the characteristics of the site and deemed acceptable.

4. A variation to the requirements of subclause 4(a) of clause 6.3.3 (Urban Design Requirements in Central Darwin) of the NT Planning Scheme is
supported as the porte cochere and lead-in to the office and reception area present an open space which also allows for weather cover for all residents and guests of the site. The porte cochere in particular will allow for residents get in/ out of cars and taxis, or to load and unload, while undercover, and without impacting on the availability of on-street parking. Only five properties are accessible from Leydin Court, which has no vehicular or pedestrian through-access. The inclusion of awnings would be of little benefit as there would remain no connectivity to other sites within the Darwin CBD, and the porte cochere provides sufficient coverage for those using the subject development, a variation seen as acceptable in terms of the characteristics of the site and its surrounds, and the development subject of this application.

5. A variation to the requirements of clause 6.5.3 (Parking Layout) of the NT Planning Scheme is supported as while the development will see the inclusion of 9 tandem parking bays, there is an actual surplus of 8.78 parking spaces, meaning that this non-compliance effectively only relates to 1 parking bay (the others being surplus to the requirements of clause 6.5.1), and that a reduction in the reception and office areas of just 7.3 m² would see a total of 34 carparking spaces be required, a number that is provided, in compliance with all aspects of clause 6.5.3, by this development. It is in this context that the inclusion of these tandem bays is seen as acceptable as they will essentially result in the provision of a surplus number of carparking bays, allowing for some flexibility in use, with these able to be provided to some of the two and three bedroom units. The carparking area provided by this development meets the purpose of clause 6.5.3, “To ensure that sufficient off-street carparking, constructed to a standard and conveniently located, is provided to service the proposed use of the site”.

6. A variation to the requirements of clause 7.5 (Private Open Space) of the NT Planning Scheme is supported as all private open space areas are useable and extend from the main living space in a logical manner (those that extend from bedrooms are secondary, or additional, balconies), enabling proper recreational use of an outdoor space, and allowing for good access to natural light and breezes. The minor non-compliances, especially those relating to the dimensional aspects of this clause, largely result from the development’s curved façade design. The narrowest private open space areas still have a width of 2.2m, most extending to 2.7m or greater, and all are considered useable. The 8 units with a private open space of 9 m² are also provided with a 4 m² planter box, which extends out slightly from the balconies in question (this feature also being provided for several other balconies), and while this is not accessible by residents, it does provide an amenity benefit, and is seen as a positive introduction for users of that unit, and to result in visual softening when viewed from neighbouring sites. All balconies meet the purpose of clause 7.5, to provide private open space that “is appropriately sited and of an adequate size to provide for domestic purposes”.

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These minutes record persons in attendance at the meeting and the resolutions of the Development Consent Authority on applications before it.
Reliance on these minutes should be limited to exclude uses of an evidentiary nature.
7. Amended plans are required, showing improved cross flow ventilation to
the foyers, in order to satisfactorily address subclauses 2(i) and 2(j) of
clause 7.8 (Building Design for Multiple Dwellings, Hostels and
Supporting Accommodation), which requires developments to “balance
the achievement of visual and acoustic privacy with passive climate
control features” and to provide for “breeze penetration and circulation”.

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, and
that the impact of the development does not unduly spread to the
surrounding area. This is of particular relevance to the conditions and
notes included in response to the comments provided by the City of
Darwin and the Power and Water Corporation.

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

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**ITEM 8**
**PA2013/0819**
**APPLICANT** ANDREA RICE & MITCHELL MCNAMEE

LOT 5933 (5) HICKEY COURT, TOWN OF DARWIN

Ms Andrea Rice and Mr Mitchell McNarree attended.

**RESOLVED**
**286/13**

That, the Development Consent Authority vary the requirements of clause 7.3
(Building Setbacks of Residential Buildings) of the Northern Territory Planning
Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application
to develop Lot 5933 (5) Hickey Court, Town of Darwin for the purpose of a two
storey single dwelling with reduced front and side setbacks, 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 location of the existing street tree (located on the nature strip adjacent to
       the proposed development) in relation to the proposed driveway.
   
   (b) elevation plan indicating floor and ceiling heights as well as the overall height of
       the building in relation to actual ground level

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.

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

5. In the event the existing street tree needs to be removed, the removal or replacement of the existing street tree must not take place without prior consultation with the City of Darwin.

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

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

8. 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.

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

10. 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.

11. 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.

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

3. 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.

4. 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.

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.

REASONS FOR THE DECISION

1. The proposed development of a single dwelling is consistent with the purpose of Zone SD (Single Dwelling Residential) of the Northern Territory Planning Scheme which is to provide for single dwellings on individual lots.

2. A variation to the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) for a reduced front setback is acceptable. The proposed covered walkway is only approximately 1m wide, and the solid built form of the building is setback over 6.5 metres so the impact of the covered walkway on the overall scale of the development, when viewed from the street front, will be minimal. The application proposes an
architectural façade to the front of the house which together with landscaping and a pond between the covered walkway and the ramp, will present to Hickey Court much more aesthetically pleasing than if a solid boundary fence was proposed instead. The proposed covered walkway is considered compatible with both the streetscape and surrounding development.

3. A variation to the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) for a reduced side setback is acceptable. Due to a 0m setback existing on the adjoining lot, the variation is considered acceptable in this instance as it is in keeping with the surrounding development and will have a positive impact on the streetscape, by screening the large expanse of brick wall that is currently visible from both Hickey Court and the Marina. It is noted that the proposed Eastern side setback is 3.1m where only 1.5m is required. This demonstrates that the applicant is not using the variation to capitalise on space but is instead proposing a design that is in keeping with the surrounding land and development, and that will improve the current Streetscape of Hickey Court and the views from Cullen Bay Marina.

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

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**ITEM 9**

**PA2013/0713**

**CARPORT ADDITION TO AN EXISTING SINGLE DWELLING WITH A REDUCED FRONT SETBACK**

**LOT 278 (17) CLEMATIS STREET, TOWN OF NIGHTCLIFF**

**APPLICANT**

GOLDBOX

Mr Paul Winter and Mr George Kamatsis (Habitat) attended on behalf of the applicant.

**RESOLVED**

287/13

That the Development Consent Authority vary the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme, and pursuant to section 53(b) of the Planning Act, alter the proposed development and consent to the proposed development as altered to develop Lot 278(17) Clematis Street, Town of Nightcliff for the purpose of a carport addition to an existing single dwelling with a reduced front setback.

**CONDITION PRECEDENT**

1. 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 the City of Darwin, to the satisfaction of the consent authority.

2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to submit amended plans showing the carport with a front setback of 2.5m from the front boundary.
GENERAL CONDITIONS

3. The works carried out under this permit shall be in accordance with plans endorsed as forming part of this permit.

4. Storm water (associated with works approved by this permit) 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.

5. 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.

6. 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.

7. The car parking shown on the endorsed plan(s) must be available at all times for the exclusive use of the occupants of the development and their guests.

8. 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.

NOTES:

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

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

3. A “Permit to Work Within a Road Reserve” may be required from the City of Darwin before commencement of any work within the road reserve.

REASONS FOR THE DECISION

1. The proposal to construct a carport with reduced front setback is consistent with the purpose of Zone SD (Single Dwelling Residential) which is to provide for single dwellings on individual lots.
2. A variation to Clause 7.3 (Building Setbacks of Residential Buildings) to allow a carport that does not meet the setback requirements of the clause is considered appropriate as:
   - The proposal is generally consistent with all other relevant objects and provisions of the NT Planning Scheme;
   - The proposal is considered consistent and compatible with existing onsite and surrounding development.
   - No adverse effects of building massing are anticipated, as the structure will be partially screened by landscaping and new 1.8m blockwall fence.
   - Despite the non-compliant front setback, the proposed building proposed building is not likely to reduce amenity of the general area or negatively influence adjoining neighbours.
   The amended plans to include a front setback of 2.5m are considered appropriate to limit the likelihood of reduced visual amenity from the street.

   In accordance with Clause 2.5 (Exercise of Discretion by the Consent Authority) of the NT Planning Scheme, the aforementioned design elements and site conditions are considered to be sufficient special circumstances and justify the granting of a variation to Clause 7.3 of the Scheme.

3. Pursuant to section 51(n) of the Planning Act the consent authority must give consideration to the potential impact on the existing and future amenity of the area in which the land is situated. The application provides a development that is consistent with the overall purpose of Zone SD (Single Dwelling Residential) as it provides an appropriate development on land identified for single dwelling purposes. The application satisfies most minimum standards of the Planning Scheme including building height, landscaping, and vehicle parking. For these reasons, the development proposed is assessed as being unlikely to adversely impact on the existing and future amenity of the surrounding area.

   ACTION: Notice of Consent and Development Permit

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ITEM 10  
PA2013/0793  
APPLICANT  
TEMPORARY RELOCATION OF EXISTING GAMING FACILITIES
LOT 7619 (105) MITCHELL STREET, TOWN OF DARWIN
JUNE D’ROZARIO & ASSOCIATES PTY LTD

Ms June D’Rozario (June D’Rozario & Associates) attended.

RESOLVED  
288/13  
That, pursuant to section 53(a) of the Planning Act, the Development Consent Authority consent to the application to develop Lot 7619 (105) Mitchell Street, Town of Darwin, for the purpose of temporary relocation of existing gaming facilities, subject to the following conditions:
CONDITION PRECEDENT

1. Prior to commencement of works (including site preparation), the owner/developer must supply and secure 11 car parking bays off-site for the duration of construction and available for the use and benefit of staff and guests of Lot 7619 at a place or places proximate to the subject site 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 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. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.

NOTES:

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

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

3. Notwithstanding the approved plans, any proposed works (including landscaping and structures) within Council's road reserve and Council land is subject to Council's approval and shall meet all Council's requirements, to the satisfaction of the General Manager of Infrastructure, City of Darwin and at no cost to Council.

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

1. The proposal enables continued use of the site for purposes that are consistent with the objective 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. The alterations to the site are considered to result in a temporary reduction in the total floor area operating as part of the existing hotel on Lot 7619. The temporarily relocation of the gaming facilities will ensure that most aspects of the hotel may continue to operate while redevelopment of part of this site occurs.

3. "The requirement to secure 11 off-site parking spaces for the duration of demolition and construction of the new hotel areas will ensure that staff/guests of Lot 7619 will have access to vehicle parking in a location proximate to the subject site and enable continued compliance with the intent of Clause 6.5.1 (Parking Requirements) of the NT Planning Scheme and the parking requirements determined under Development Permit DP02/0278.

ACTION: Notice of Consent and Development Permit

ITEM 11 PA2013/0766
52 X 2 AND 12 X 3 BEDROOM MULTIPLE DWELLINGS AND A GROUND LEVEL OFFICE/SHOP TENANCY IN A 12 STOREY BUILDING WITH FOUR LEVELS OF BASEMENT CARPARKING
LOT 2445 (9) DALY STREET, TOWN OF DARWIN

APPLICANT: MASTERPLAN NT

Mr Brad Cunnington and Mr Nigel Bancroft (Masterplan NT) attended.

Submitter Mr Marcel Werps sent his apologies.

Submitter Mr Jeffrey Norton attended.

RESOLVED 289/13
That, the Development Consent Authority vary the requirements of Clause 6.3.2 (Volumetric Control in Central Darwin), 6.5.3 (Parking Layout) and 7.5 (Private Open Space) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application to develop Lot 2445 (9) Daly Street, Town of Darwin, for the purpose of 52 x 2 and 12 x 3 bedroom multiple dwellings and a ground level office/shop tenancy in a 12 storey building with four levels of basement car parking, subject to the following conditions:

CONDITIONS PRECEDENT

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

a) Relocation of the ground level substation to achieve greater compliance with the active frontage requirements of Clause 6.3.3 (Urban Design Requirements in Central Darwin); and

b) Provision of an awning to the full extent of the street frontage that provides greater protection to pedestrians from the sun/rain and allows for planting and growth of mature trees within the road reserve as intended by Clause 6.3.3 (Urban Design Requirements in Central Darwin).

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

3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare an Environmental Construction Management Plan (ECMP), to the requirements of the City of Darwin, to the satisfaction of the consent authority. The ECMP is to address how construction will be managed on the site, and is to include details of the haulage of excavated and new materials, traffic management for construction vehicles, fencing and hours of construction.

4. 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.

5. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a traffic impact assessment report prepared in accordance with the Austroads document ‘Guide to Traffic Management Part 12: Traffic Impacts of Developments’. The report must outline changes that will be required to the surrounding road network and address vehicular, pedestrian, cyclist and public transport issues and opportunities, and is to include swept paths for waste collection vehicles entering and exiting the site. The report is to be to the approval of the City of Darwin, to the satisfaction of the consent authority.

6. Before the development starts, a landscape plan to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and two copies must be provided. The plan must show:
   (a) a survey (including botanical names) of all existing vegetation to be retained and/or removed;
   (b) details of surface finishes of pathways and driveways;

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These minutes record persons in attendance at the meeting and the resolutions of the Development Consent Authority on applications before it. Reliance on these minutes should be limited to exclude uses of an evidentiary nature.
(c) a planting schedule of all proposed trees, shrubs and ground covers, including
botanical names, common names, sizes at maturity, and quantities of each
plant including planting in the communal open space and enclosed courtyards;
All species selected must be to the satisfaction of the consent authority.

GENERAL CONDITIONS

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 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.

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. 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.

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

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 replace.

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

11. All pipes, fixtures, fittings and verts servicing any building on the site must be
concealed in service ducts or otherwise hidden from view to the satisfaction of
the consent authority.
12. 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 and/or
   the Road Networks Division of the Department of Transport, to the satisfaction
   of the consent authority.

13. 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.

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. 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.

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

NOTES:

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

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

3. Notwithstanding the approved plans, any proposed works (including
landscaping and structures) within Council’s road reserve and Council land is
subject to Council’s approval and shall meet all Council’s requirements, to the
satisfaction of the General Manager of Infrastructure, City of Darwin and at no
cost to Council.

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

5. Approval must be submitted to the Department of Defence for any cranes used during construction that will infringe on either the Obstacle Limitation Surfaces (OLS) or Procedures for Air Navigation – Operations (PAN-OPS) surfaces for Darwin Airport.

6. Separate approval may be required from the Department of Defence under regulation 10 of the Defence (Areas Control) Regulations (DACR). Until such time as an approval is obtained the applicant is not to construct any structure on the site that exceeds 45m above ground level. Please refer to regulation 8 of the DACR, which outlines the application process and the information required. A copy of the regulation can be obtained at http://www.comlaw.gov.au.

7. The developer is required to contact ‘Dial Before You Dig’ on 1100 to obtain a location of the Telstra Network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.

REASONS FOR THE DECISION

1. The proposal is consistent with the primary purpose of zone CB (Central Business), being “to provide for a diversity of activities including administrative, judicial, professional, office, entertainment, cultural, residential, retail and other business activities, with a commitment to the separation of incompatible activities”.

2. A variation to the requirements of clause 6.3.2 (Volumetric Control in Central Darwin) of the Northern Territory Planning Scheme to allow a reduced building setback of the Tier 2 aspects (tower) of the development of 0.0m instead of 6m in two locations is considered appropriate as:
   - The design provides an outdoor landscaped courtyard as an extension to indoor communal open space areas on either side of level 8 and makes use of an otherwise unused roof space;
   - The presence of the communal open space in this location does not prevent breeze circulation any greater than would normally occur. Structures over the communal areas comprise of pergolas which will also have little impact on breezes;
   - The privacy of adjacent development will not be affected since there are no direct views over adjacent sites. Further to this, it is also expected that landscaping around the perimeter of these courtyards will further restrict undue views to adjacent sites; and
   - Overall, the proposal is considered to achieve the purpose of the clause which is to ‘ensure the siting and mass of buildings within Central Darwin promotes a built form that maximises the potential for view corridors to Darwin harbour, the penetration of daylight and breeze circulation between buildings and promotes privacy for residents of adjoining properties.’ The use of Level 7 roof space for communal open space is
considered to result in a much better outcome than what would otherwise be a potentially unattractive and difficult to maintain part of the building. Allowing the reduced setback in this particular case, given the design and expected outcome for dwellings above Level 8 and adjacent properties is considered appropriate.

3. A variation to the requirements of Clause 6.5.3 (Parking Layout) of the NT Planning Scheme to allow 15 of the 125 bays to have non-compliant dimensions is reasonable given that an appropriate solution has been provided to ensure the non-compliant bays are still conveniently accessible and functional, as intended by the purpose of the clause.

4. A variation to the requirements of Clause 7.5 (Private Open Space) of the NT Planning Scheme to allow some of the dwellings to have private open space with dimensions of 2.8m x 3.6m instead of the required 2.8m x 4m is considered appropriate as, the private open space that is provided meets the area requirements of this clause, are conveniently located off the living areas of dwellings and are considered capable of accommodating a small table and chairs and BBQ with sufficient circulation room expected of a development of this type. The private open space areas are considered to achieve the primary objective of the clause by providing private open space for each dwelling that is appropriately sited and of an adequate size for domestic purposes.

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 12 storey multiple dwelling development comprising of ground floor commercial tenancies. Despite the variations required, 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 applicant has acknowledged that the development is likely to impact on existing views, though this impact is to be expected of any new development of land particularly on land within Zone CB given the building height maximums and site coverage allowances. The compliance achieved suggests that the proposal represents reasonable development of the site and the style of CBD development in line with expectations of the community.

ACTION: Notice of Consent and Development Permit

ITEM 12 VARIATION OF DP13/0285 FOR A CHANGE TO THE INTERNAL FLOOR AREAS INCLUDING NUMBER OF BEDROOMS LOT 2229 (25) PHILIP STREET, TOWN OF DARWIN APPLICANT SAVVAS SAVVAS ARCHITECT

Mr Savvas Savvas (Savvas Savvas Architect) attended.

Submitter Ms Allison Hooper sent her apologies.
Submitters in attendance:- Mr Stuart Fitch (owner and Chairman Body Corporate of 23 Philip Street) and tabled his address to the authority.

RESOLVED 290/13

That, pursuant to section 57(3) of the Planning Act, the Development Consent Authority consent to the application to vary condition four of DP13/0323 for the purpose of a change from 5 x 3 bedroom multiple dwellings in 2 x 2 storey buildings to 3 x 4 and 2 x 3 bedroom multiple dwellings in 2 x 2 storey buildings.

CONDITIONS PRECEDENT

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

(a) A detailed landscaping plan that designates 30% of the site area as landscaping in accordance with Clause 7.7 (Landscaping for Multiple Dwellings, Hostels and Supporting Accommodation) of the NT Planning Scheme. The plan should also include details of surface finishes of pathways and driveways and a planting schedule of all proposed trees, shrubs and ground covers (including quantities of each plant).

2. Prior to the commencement of works (including site preparation), the applicant is to prepare a schematic plan demonstrating all stormwater to be collected on the site and discharged underground to Council’s stormwater drainage system, to the requirements of City of Darwin and to the satisfaction of the consent authority.

3. Prior to the commencement of works (including site preparation) a waste management plan in accordance with Council’s Waste Management Policy is required to be submitted, to the requirements of the City of Darwin, to the satisfaction of the consent authority.

GENERAL CONDITIONS

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

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

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

7. 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
8. The owner shall:
   (a) remove disused vehicle and/or pedestrian crossovers;
   (b) collect stormwater and discharge it to the drainage network; and
   (c) undertake reinstatement works;
       all to the technical requirements of and at no cost to the City of Darwin, to the
       satisfaction of the consent authority.

9. Before the use or occupation of the development starts, the area(s) set-aside for
   the parking of vehicles and access lanes as shown on the endorsed plans must
   be:
   (a) constructed;
   (b) properly formed to such levels that they can be used in accordance with the
       plans;
   (c) surfaced with an all-weather-seal coat;
   (d) drained;
   (e) clearly marked to show the direction of traffic along access lanes and
       driveways;
       to the satisfaction of the consent authority.
       Car spaces, access lanes and driveways must be kept available for these
       purposes at all times.

10. The car parking shown on the endorsed plan(s) must be available at all times for
    the exclusive use of the occupants of the development and their (visitors/
        clients).

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

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

13. 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.

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. 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. The loading and unloading of goods from vehicles during the construction
    phase must only be carried out on the land.
NOTES:

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

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

3. 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.

ACTION: Variation Permit

ITEM 13  PA2013/0794
1 X 2 AND 2 X 3 BEDROOM MULTIPLE DWELLINGS IN A TWO STOREY BUILDING WITH GROUND LEVEL CAR PARKING
LOT 7651 (49) NATION CRESCENT, TOWN OF NIGHTCLIFF
APPLICANT NORMAN MILLINGTON

Mr Norman Millington attended.

Submitters in attendance:- Ms Margaret Clinch (on behalf of PPlan), Ms Jean Bruppacher, Ms Carolyn Marriott and Mr Jon Firth.

RESOLVED 291/13 That, pursuant to section 53(c) of the Planning Act, the Development Consent Authority refuse to consent to the application to develop Lot 7651 (49) Nation Crescent, Town of Nightcliff for the purpose of 1 x 2 and 2 x 3 bedroom multiple dwellings in a two storey building with ground level car parking, for the following reasons:

REASONS FOR THE DECISION

1. Lot 7651 is within Zone MD (Multiple Dwelling Residential) of the NT Planning Scheme. The primary purpose of the zone as listed under Clause 5.2 (Zone MD – Multiple Dwelling Residential) is, ‘to provide for a range of housing options to a maximum height of two storeys above ground level.’ The clause clarifies further that, ‘[t]he scale, character and architectural style of infill development should be compatible with the streetscape and surrounding development.’ The design is considered to

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be of a scale, character and architectural style that is inconsistent with the predominant style and scale of development in the surrounding area and specifically in Nation Crescent. The proposed development is therefore considered to be inconsistent with the primary purpose of the zone and incompatible with the scale, character and architectural style of development already developed in the area and the type of development reasonably expected by owners/residents of adjacent and surrounding land and the wider community.

2. Pursuant to section 51(e) of the Planning Act, in considering a development application the consent authority must take into account any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application. Nine (9) public submissions were received during the exhibition period objecting to the proposal with the key issues raised relating to the potential impact caused by the non-compliant dwelling density, stormwater drainage arrangements, undue overlooking caused by the two storey design and car parking and traffic concerns. The concerns raised in submissions are considered to indicate that the development, as proposed, will result in significant impacts on the existing and future amenity of the surrounding area, which the consent authority must also give consideration to pursuant to section 51(n) of the Act.

3. The requested variation to Clause 7.1.1 (Residential Density Limitations) is considered too significant to warrant consent in this particular instance. The application proposes three dwellings at a density of one dwelling per 232.3 square metres of site area instead of one per 300 square metres permitted by Clause 7.1.1. The density sought represents a shortfall of 203 square metres across the site. The proposed density would result in a significant departure from the limits of the clause and there would appear to be no special circumstances relevant to the site that would prevent compliance with this clause.

ACTION: Notice of Refusal

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

[Signature]
PETER MCQUEEN
Chairman

12/12/13