DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 256 – FRIDAY 19 JUNE 2015

BROLGA ROOM
NOVOTEL DARWIN ATRIUM
100 THE ESPLANADE
DARWIN

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

APOLOGIES: Bob Elix

OFFICERS PRESENT: Margaret Macintyre (Secretary), Adelle Godfrey, Joseph Sheridan, Ann-Marie Dooley and Stephanie Breuer (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nadia Smith (Items 3 & 6) and Nadine Douglas (Item 3)

Meeting opened at 9.00 am and closed at 12.45 pm
ITEM 1 ADDITIONS TO AN EXISTING SINGLE DWELLING WITH A REDUCED FRONT SETBACK
LOT 743 (4) FOUNTAIN STREET, TOWN OF SANDERSON
APPLICANT SCOTT FRASER

Mr Scott Fraser attended and tabled:-
- An amended site plan now showing the existing shed in the rear yard;
- A photo showing different fencing materials in the street;
- A photo showing what the applicant envisages the garage will like; and
- A photo of the front of the lot with the garage superimposed on it.

RESOLVED 151/15
That, the Development Consent Authority vary the requirements of Clause 6.11 (Garages and Sheds) and pursuant to section 53(a) of the Planning Act, consent to the application to develop Lot 743 (4) Fountain Street, Town of Sanderson for the purpose of garage additions to an existing single dwelling with a reduced front setback, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of works (including site preparation), the applicant is to prepare a dilapidation report covering infrastructure within the road reserve to the requirements of City of Darwin, to the satisfaction of the consent authority.

2. Prior to commencement of works on site, 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 include 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 2015/0287/01 – 2015/0287/02 endorsed as forming part of this permit.

4. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of and at no cost to City of Darwin to the satisfaction of the consent authority.

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
to the technical requirements of and at no cost to the City of Darwin,
to the satisfaction of the consent authority.

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

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

NOTES:

1. This development permit does not grant building approval. You are advised to
contact a registered private Building Certifier to ensure that you have attained
all necessary approvals before commencing 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 to determine the Corporation’s servicing requirements, and
the need for upgrading of on-site and/or surrounding infrastructure.

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

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 application 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 6.11 (Garages and Sheds) of the Northern Territory
Planning Scheme is considered acceptable in this instance as the garage
addition is not expected to detract from the existing amenity or
streetscape in this locality. The proposal includes details of further
upgrades to the site to improve the appearance of the existing dwelling
including by replacing the current cyclone fencing with a powder coated
finish fence and sliding gate. Appropriate screening is provided by the
existing mature landscaping along the front boundary which also limits
the impact of building massing on the existing streetscape.
3. The 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. The City of Darwin has also requested a dilapidation report and details of the new driveway crossover to the site.

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

**ITEM 2**
**PA2015/0282**
**CHANGES TO THE DEVELOPMENT APPROVED BY DP13/0637 TO AMEND STAGING OF THE DEVELOPMENT, THE DELETION OF A RESIDENTIAL BUILDING, AND THE CHANGE OF USE TO INCLUDE A MEDICAL CLINIC, SHOP AND RESTAURANT**
**LOT 9240 (348) BAGOT ROAD, TOWN OF NIGHTCLIFF**

**APPLICANT**
HABITAT NT

Mr Paul Winter (Habitat NT) attended.

**RESOLVED**
152/15

That, the Development Consent Authority vary the requirements of Clause 6.6 (Loading Bays) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act, and consent to the application to develop Lot 9240 (348) Bagot Road, Town of Nightcliff for the purpose of changes to the development approved by DP13/0637 to amend staging of the development, the deletion of a residential building, and the change of use to include a medical clinic, shop and restaurant, subject to the following conditions:

**CONDITIONS PRECEDENT**

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

   a) the correct numbering sequence for car parking bays for Stages 1 and 2;
   b) net floor area calculations for all tenancies and;
   c) the provision of further landscaping details including species to be planted in order to demonstrate compliance with Clauses 7.5 (Private Open Space), 7.6 (Communal Open Space) and 8.3 (Setbacks for Commercial Uses Adjacent to Land in Zones …MD…); and
   d) the location of 8 additional parking spaces designed in accordance with Clause 6.5.3 (Parking Layout) to form part of Stage 1 of the development.

**GENERAL CONDITIONS**

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. The use/development as shown on the endorsed plans must not be altered without the further consent of the consent authority.

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

5. All works required by the Traffic Impact Assessment Report forming part of Development Permit DP13/0637 are to be completed to the requirements of the City of Darwin, to the satisfaction of the consent authority.

6. All works recommended by the Environmental and Construction Management Plan (ECMP) forming part of Development Permit DP13/0637 are to be completed to the requirements of the City of Darwin, 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, and telecommunication networks to each lot 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, and be at no cost to the City of Darwin, 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 the City of Darwin and/or the Road Networks Division, 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, and 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. The additional 8 parking bays required by condition 1(d) forming part of Stage 1 of the development must be constructed prior to occupation of the medical clinic, shop and restaurant tenancies.

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

14. 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.

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

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

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

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

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

NOTES:

1. Building Advisory Services of the Department of Lands Planning and the Environment has been notified in relation to the retrospective planning approval sought for the restaurant tenancy.

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

3. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
4. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities.

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

6. 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 the City of Darwin.

7. 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.

8. All proposed works within, or impacting upon, the Bagot Road road reserve shall be in accordance with the standards and specifications of the Department of Transport.

9. It is advised that any works within the Bagot Road road reserve will require a ‘Permit to work within a road reserve’ from the Department of Infrastructure.

10. It is an offence to cause an environmental nuisance under section 83(5) of the Waste Management and Pollution Control Act.

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

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

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

**REASONS FOR THE DECISION**

1. The development is generally consistent with that previously approved by to DP13/0637, and with the primary purpose of Zone C (Commercial) in providing for a range of business and community uses and are of a scale
and character appropriate to the service function of the centre. Upon receipt of the amended plans, the application will demonstrate further compliance with the provisions of Clauses 7.5, 7.6 and 8.3 of the NT Planning Scheme.

2. Amended plans are required to identify the location of an additional 8 parking spaces to be constructed to accommodate the additional parking demand anticipated for the proposed tenancy changes to Stage 1 of the development including the change of use to introduce a medical clinic, shop and restaurant. Having considered the relevant criteria under Clause 6.5.2 (Reduction in Parking Requirements) of the NT Planning Scheme, the request for a waiver in car parking generated by Stage 1 of the proposal is not supported for the following reasons:

a. the parking provision for Stage 1 of the development was previously reduced by a provision of 3 spaces through variations to DP13/0637A and DP13/0637B;

b. compliant parking is required to provide for the changes to the tenancy arrangements in Stage 1 of the development in accordance with Clause 6.5.1 (Parking Requirements) to ensure that sufficient off street car parking is conveniently available, and constructed to an appropriate standard, to service the proposed use of a site; and

c. the applicant has offered to construct the 8 parking spaces required to provide for the development.

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

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<th>ITEM 3</th>
<th>PA2015/0128</th>
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<tr>
<td>13 X 1 AND 78 X 2 BEDROOM SERVICED APARTMENTS IN A 17 STOREY BUILDING INCLUDING GROUND LEVEL COMMERCIAL TENANCIES AND 2 LEVELS OF CAR PARKING DEVELOPED IN 4 STAGES</td>
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<td>LOT 5030 (48) CAVENAGH STREET, TOWN OF DARWIN</td>
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**APPLICANT**

ELTON CONSULTING

Ms Wendy Smith (Elton Consulting), Mr Chris Pratt (Alfasi Property Group), Mr Zac Neck and Mr Tom Karvonien (Turner and Townsend THinc) attended.

Submitter Mr Gary Leech attended.

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<th>RESOLVED</th>
<th>153/15</th>
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| That, the Development Consent Authority vary the requirements of Clauses 6.5.2 (Volumetric Controls in Central Darwin), 6.3.3 (Urban Design Requirements in Central Darwin), 6.5.3 (Parking Layout), 6.6 (Loading Bays) and 7.5 (Private Open Space), and grant a reduction to the parking requirements pursuant to Clause 6.5.2 (Reduction in Parking Requirements) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act, and consent to the application to develop Lot 5030 (48) Cavenagh Street, Town of Darwin for the purpose of 13 x 1 bedroom and 78 x 2 bedroom serviced apartments in a 17 storey building including ground level commercial tenancies and 2 levels of car parking developed in 4 stages, subject to the following conditions:
1. Prior to the endorsement of plans and prior to the 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 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. doorway locations identified to the retail tenancies on the ground level;
   b. no doors to open onto the footpath to the requirements of the City of Darwin;
   c. dimensions of the 7 parking spaces at the rear of ‘Lot B’ as 2.5m x 5.5m; and
   d. the location of two additional short term parking bays within the Litchfield Street road reserve adjacent to the fire control room and fire access stairs as previously identified on the plans considered by the consent authority on 8 May 2015.

2. Prior to the endorsement of plans and prior to the commencement of works, in principle approval is required for the location of a bus parking bay within the road reserve to the requirements of the City of Darwin, to the satisfaction of the consent authority. The size of the bus parking bay is required to be consistent with the plans generally submitted with the application, the location of the bus parking bay selected to conveniently provide for the pick-up and drop-off of passengers for the serviced apartments, and that the bus parking bay should be designed with a view to minimise the loss of on-street car parking.

3. Prior to the endorsement of plans and prior to the commencement of works, in principle approval is required for the provision of awnings to the street frontages to the requirements of the City of Darwin and Power and Water Corporation, to the satisfaction of the consent authority. The provision of awnings is to be generally in accordance with the submitted plans, and shall not reduce the achievement of active frontages to the site boundary.

4. 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 and the Department of Transport, 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.

5. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a traffic impact assessment report is to be prepared by a suitably qualified traffic engineer with attention to vehicular, pedestrian, cyclist and public transport issues, including swept paths for waste collection vehicles, and identifying any necessary upgrades to the surrounding street network to the requirements of the City of Darwin, to the satisfaction of the consent authority.
6. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a waste management plan to the requirements of the City of Darwin, to the satisfaction of the consent authority.

7. Prior to the commencement of works (including site preparation), the applicant is to prepare an Environmental and Construction Management Plan (ECMP) to the requirements of the City of Darwin. The ECMP is to address how construction will be managed on the site, and is to include details of waste management, traffic control and haulage routes, stormwater drainage and the use of City of Darwin land during construction. The ECMP should include details of the location of the crane and any holding areas.

8. Prior to the commencement of works (including site preparation), the applicant is to prepare a dilapidation report covering infrastructure within the road reserve to the requirements of the City of Darwin.

GENERAL CONDITIONS

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

10. Before the use commences the owner must, in accordance with section 70(3) of the Planning Act, provide 87.1 car parking bays. In accordance with section 70(5) of the Planning Act, 8.1 of the required parking bays may be provided through the payment of a monetary contribution to the City of Darwin. The contribution is to be calculated in accordance with the requirements of section 70(6) of the Planning Act.

11. Before the use commences the owner must, in accordance with Part 6 of the Planning Act, provide a monetary contribution to the City of Darwin for the 4.6 on-street parking spaces lost in excess of a single 6m crossover.

12. Before the use commences the owner must, in accordance with Part 6 of the Planning Act, provide a monetary contribution to the City of Darwin in accordance with the Developer Contribution Plans – Stormwater Drainage Works.

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

14. Access to the communal facilities associated with the serviced apartments is restricted to guests, and visitors of guests only.

15. Before the occupation of the development starts, an access easement over ‘Lot A’ in favour of ‘Lot B’ is required to be registered on title to enable the opportunity for the future development of ‘Lot B’ to utilise the vehicle ramp and crossover from Litchfield Street.
16. The 7 ground level car parking spaces at the rear of ‘Lot B’ are to be designated with signage for 15 minute parking and made available for visitors.

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

18. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement of site is to be created.

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

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

21. All air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view and from view of neighbouring or nearby developments (or developments reasonably anticipated), located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority. The use of angled louvered slats for screening purposes is acceptable, however the slat screening must be designed with a panel to gap ratio, such that the condenser units are not readily visible from any angle.

22. All roof top plant equipment (such as vents and ducting associated with requirements for stairwell pressurisation or other such ventilation purposes or similar) that will be placed on the rooftop of the development shall be appropriately screened, or designed to soften the visual impact of such equipment from view from neighbouring or nearby developments (or developments reasonably anticipated).

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

24. All substation, fire booster and water meter arrangements are to be appropriately screened to soften the visual impact of such infrastructure on the streetscape, to ensure that the infrastructure is sympathetic to and blends in with the design of the building. Detail will need to be resolved to the satisfaction of the consent authority in consultation with the Power and Water
Corporation, and NT Fire and Emergency Services.

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

26. Before the occupation of the development starts, the areas set aside for the parking of vehicles and access lanes 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.

27. 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.

28. 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.

29. 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.

30. 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 Authority notes that a local rate pursuant to the Local Government (Darwin Parking Local Rates) Regulations may continue to apply to the existing commercial uses on ‘Lot B’.

2. The Authority noted at the time of determining the application the opportunity for double glazing or other high performance glass to improve the building efficiency.

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 to determine the Corporation’s servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
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. This development permit does not grant “building approval”. The Building Code of Australia requires that certain structures within 900mm of a boundary meet minimum fire resistance level requirements and you are advised to contact a registered private building certifier to ensure that you have attained all necessary approvals before commencing works.

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

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

8. This development as approved by the Development Consent Authority (DCA) achieves a level of active interface deemed by the authority to provide 90% of the Cavenagh Street, 100% of Edmunds Street, and 12% of the Litchfield Street frontages. Retaining these levels of active frontage are considered by the DCA to be essential to this development achieving the purpose of clause 6.3.3 (Urban Design Requirements in Central Darwin). Any reduction in the percentage of active street frontage is unlikely to be supported, and will require full consideration by the DCA at a meeting of the authority. Refer to “Design guidance to achieve active frontages and provide for services” for advice to active street frontages in relation to service authority requirements.

9. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Nomination Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Building should be contact via email (info@ntbuild.com.au) or by phone (08 8936 4070) to determine if the proposed works are subject to the Act.

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 application proposes commercial tenancies and multiple dwellings (serviced apartments) which are consistent with the primary purpose of Zone CB (Central Business) in providing for a diversity of activities including administrative, judicial, professional, office, entertainment, cultural, residential and retail and
other business activities with a commitment to the separation of incompatible activities.

2. In relation to Clause 6.3.2 (Volumetric Control in Central Darwin) including the overall building length of Tier 2 and reduced setbacks to Cavenagh and Litchfield Streets, it is considered that the variations sought are unlikely to be noticeable when viewed from adjoining or nearby land and are not assessed as likely to adversely impact on view lines, access to breezes or penetration of sunlight into the site or adjoining land. The two non-compliant setbacks incorporate no balconies and adjoin public roads, and are unlikely to compromise privacy of residents in nearby buildings. No undue impact is anticipated for the future opportunity for district and harbour views as the overall massing of the building is significantly smaller than what is permissible under the volumetric controls.

3. In relation to the variations sought to Litchfield Street under Clause 6.3.3 (Urban Design Requirements in Central Darwin, the varied construction materials including colourback glass and aluminium louvres to screen services assists in providing interest and is balanced through the provision of full active frontages to Cavenagh and Edmunds Streets. The provision of a single access to the site is deemed impractical given the specific nature of the intended tenant for one of the ground level commercial tenancies for the provision of postal services, and the need for a second access is supported by comments from traffic assessment submitted with the application. The provision of an easement over ‘Lot A’ in favour of ‘Lot B’ will preserve the potential for ‘Lot B’ to use the Litchfield Street crossover, and will assist in the opportunity to maximise active frontages in the future. The development also achieves full length awnings to each of the three street frontages.

4. A reduction in the car parking pursuant to Clause 6.5.2 (Reduction in Parking Requirements) for the serviced apartments from 120.6 spaces to 62 spaces is considered appropriate having considered the factors presented relating to the proposed use of the land. The serviced apartments are considered to provide parking at a rate generally equivalent to that required for a motel, given the size and intended occupation of the units. The development incorporates motorcycle parking spaces which can legitimately account for a portion of car parking spaces. The net floor areas outside of a dwelling are not expected to generate any additional parking demand as they are ancillary to the serviced apartments and will be used by guests (and visitors of guests) of the development only. The development does not include a restaurant, bar or licenced premises which would otherwise attract a separate parking demand, and comprises a modest lobby area only. Further, access to the communal facilities associated with the serviced apartments will be restricted to guests, and visitors of guests only. Accordingly, the generation for the serviced apartments is expected to be reasonably accommodated within the spaces provided on-site.

5. A variation to the on-site provision of parking spaces required under
Clause 6.5.1 (Parking Requirements) for the ground level commercial tenancies is supported as a payment in lieu to the City of Darwin, to ensure that parking will continue be made available in the locality. Of the 25.1 spaces required for the ground level commercial tenancies, 17 are provided on site. A payment in lieu of the remaining 8.1 spaces is considered appropriate given the occupation of the site by Australia Post generates a demand for short-term, on-street car parking. Whilst the use relies on this on-street parking and a payment required, the applicant has demonstrated through a parking survey that the parking in the immediate area adjacent the site can accommodate the extent of short-term parking demand anticipated during the peak periods, notwithstanding the 7 on-street parking spaces lost as a result of the development.

6. The City of Darwin has requested a payment in lieu for the on-street parking spaces lost in excess of a single 6m crossover. Of the 7 on-street parking spaces lost as a result of the development, 4.6 spaces are lost in excess of a single 6m crossover. A payment in lieu of the 4.6 spaces is required to be made to Council to the satisfaction of the consent authority, noting that the provision of a single access to the site is deemed impractical given the specific nature of the intent tenant Australia Post for one of the ground level commercial tenancies.

7. The provision of private open space is considered acceptable in this instance as the communal open space is in excess of the required area and incorporates a pool, deck and quality landscaping, enabling for the recreational needs of the occupants, and is also considered acceptable to provide for the size and function of the serviced apartments.

8. Conditions relating to the continued availability of 7 spaces at ground level at the rear of Lot B, and the provision of an access easement over Lot A in favour of Lot B have been included to ensure the occupation of the development occurs in a manner which is consistent which that considered by the consent authority, including to provide for ongoing availability for customer car parking and for access arrangements, noting the approved subdivision of the land.

9. Amended plans are required to be provided identifying the location of doorways to the retail tenancies on ground level and that those doorways to not open onto the footpath as requested by the City of Darwin, for the dimension of the 7 parking spaces at the rear of ‘Lot B’ as 2.5m x 5.5m to ensure compliance with Clause 6.5.3 (Parking Layout), and for the location of the two additional short term parking bays within the Litchfield Street road reserve adjacent to the fire control room and fire access stairs as previously identified on the plans considered by the consent authority on 8 May 2015.

10. A variation to the requirements of Clause 6.5.3 (Parking Layout) is considered acceptable in this instance as a high proportion of the number of spaces provided are in accordance with the required dimensions. A number of spaces are provided in accordance with Australian Standards, and despite the reduced parking size, may be reflective of the vehicle use

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.
likely to occur by visitors to the serviced apartments.

11. Amended plans are required to be provided identifying the location of a bus parking bay within the road reserve to the requirements of the City of Darwin to ensure that adequate facilities are provided for the loading/unloading of passengers from buses and taxis associated with the serviced apartments. The size of the bus parking bay is required to be consistent with that submitted with the application, and the location selected to provide for convenient loading noting that the loss of on-street parking should be minimised, noting that Council is likely to require a traffic impact assessment in determining the preferred location.

12. Pursuant to section 51(e) of the Planning Act, the consent authority must take into consideration any public submissions under section 50, in relation to the development application. One public submission was received during the exhibition period under section 49 of the Planning Act with respect to the proposal. The submission raised concerns with the potential impact on views and privacy to adjacent developments, the scale of the development, the impact on the Cavenagh Street public car park, the lack of consultation in relation to the proposal, and the impact on property values. This submission has been taken into consideration when determining the application. The development has been assessed against the volumetric design for buildings in Zone CB and it is noted that sites in Central Darwin can be developed to a maximum height of 90m, however the proposal is built to a maximum height of 61m only. The development was exhibited in accordance with the requirements of the Planning Act, and is not expected to impact existing operations at the Cavenagh Street car park. Property values are not a matter for planning consideration.

13. The City of Darwin has requested a traffic impact assessment report be prepared to identify any necessary upgrades to the surrounding street network. The City of Darwin has also requested details of stormwater drainage, waste collection, the management of traffic during construction, the provision of awnings, and details of the existing infrastructure within the road reserve.

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

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**ITEM 4**
**PA2015/0322**
**APPLICANT** GEORGE SAVVAS

2 X 3 BEDROOM MULTIPLE DWELLINGS IN A SINGLE STOREY BUILDING
LOT 11424 (17) MORRIS STREET, TOWN OF NIGHTCLIFF

The applicant did not attend.

Submitter Ms Jacqueline Cavanagh and her father Mr Peter Linton attended.

**RESOLVED**
**154/15**
That pursuant to section 46(4)(b) of the Planning Act, the Authority defer consideration of the application to develop Lot 11424 (17) Morris Street, Town of Nightcliff for the purpose of 2 x 3 bedroom multiple dwellings in a single storey
building to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

(a) the extension of the slatted fence an additional 10m along the northern boundary of the site to a height of 1.8m from the proposed ground level; and
(b) fencing to a height of 1.8m around the private open space of Unit 2 to achieve at least the minimum area of open space required by Clause 7.5 (Private Open Space).

RESOLVED

That pursuant to section 86 of the Planning Act, the Authority delegates to the Chairman, or in the Chairman’s absence any one of the other members of the Darwin Division the power under section 53 of the Act, to determine the application to develop Lot 11424 (17) Morris Street, Town of Nightcliff for the purpose of 2 x 3 bedroom multiple dwellings in a single storey building including with respect to granting any variations to the relevant requirements of the NT Planning Scheme subject to amended plans showing:

(a) the extension of the slatted fence an additional 10m along the northern boundary of the site to a height of 1.8m from the proposed ground level; and
(b) fencing to a height of 1.8m around the private open space of Unit 2 to achieve at least the minimum area of open space required by Clause 7.5 (Private Open Space).

And further subject to conditions as determined by the delegate

REASONS FOR THE DECISION

1. The consent authority request confirmation of additional details of the fencing to the private open space area of Unit 2 to ensure that the requirements of Clause 7.5 (Private Open Space) are achieved and that the dwelling has private open space appropriate to the intended use of the land. Confirmation of the extension of the screening treatment to the northern boundary is required for this development to address the concerns raised in the public submission received under section 49 of the Planning Act and to ensure that appropriate privacy and separation between dwellings is achieved for the development and adjacent land.

ACTION: Advice to Applicant

ITEM 5

SERVICE STATION COMPRISING ABOVE GROUND FUEL STORAGE TANKS AND TWO BOWSERS
SECTION 6692 ANGLISS ROAD, HUNDRED OF BAGOT
APPLICANT RECHARGE PETROLEUM PTY LTD

Mr Darryl Smart (NT General Manager Recharge Petroleum) attended.
Resolved 156/15

That, the Development Consent Authority grant a reduction to the parking requirements of clause 6.5.1 (Parking Requirements) under clause 6.5.2 (Reduction in Parking Requirements), and vary the requirements of Clause 9.1.1 (Industrial Setbacks) of the NT Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application to develop Section 6692 Hundred of Bagot for the purpose of a service station comprising above ground fuel storage tanks and two bowers subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works approved by this permit, amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application but modified to show:
   
   a. the provision of landscaping to a depth of 3m along the boundaries of the site between the street frontages and any hardstand areas to soften the visual impact of the development and to ensure an acceptable level of visual amenity is achieved when viewed from the streetscape.

2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), detailed design drawings which include swept path diagrams are to be submitted to the Department of Transport for approval, to the satisfaction of the consent authority.

GENERAL CONDITION

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

4. The developer must advise the NT Environmental Protection Authority of activities to be conducted at this site in the approved format. The required information is to be prepared and implemented on the advice of the NT Environmental Protection Authority, 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 owner of the land must enter into agreements with the relevant authorities for the provision of water supply and electricity services to the land shown on the endorsed plan in accordance with the authorities’ requirements and relevant legislation at the time.

7. 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 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. Access lanes and driveways must be kept available for these purposes at all times.

8. ‘’No entry/no exit’’ signs and arrows directing the internal traffic movement on site shall be provided at completion of the development to the requirements and satisfaction of the consent authority.

9. 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.

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

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

12. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into the Department of Transport’s drains or to any watercourse.

13. Engineering design and specifications for the affected roads, street lighting, stormwater drainage, vehicular access, and streetscaping including kerb crossovers and driveways to the site approved by this permit are to be to the technical requirements of the Department of Transport, to the satisfaction of the consent authority and all approved works are to be constructed at the developer’s expense.

14. Dryland grassing shall be established on the Angliss Road and Unnamed Road verges fronting the development in accordance with the Department of Transport’s standards and requirements, to the satisfaction to the consent authority.

15. Where unfenced, the Angliss Road and the Unnamed Road road frontages are to be appropriately fenced and any gates provided are to be fixed to open inwards only, in accordance with the Department of Transport’s standards and requirements, to the satisfaction to the consent authority.

16. Any floodlighting or security lighting provided on site must be designed, baffled and located or shielded in a manner to prevent the lighting causing nuisance to adjoining land to the satisfaction of the consent authority.
17. Access shall be provided in accordance with the Department of Transport’s standards and requirements. The owner shall:
   a. remove disused vehicle and/or pedestrian crossovers; and
   b. undertake reinstatement works;
   All to the technical requirements of and at no cost to the Department of Transport, to the satisfaction of the consent authority.

18. All proposed works impacting on the Angliss Road road reserve or the Unnamed Road road reserve are to be designed, supervised and certified on completion by a practicing and registered civil engineer, and shall be in accordance with the standards and specifications of the Department of Transport, to the satisfaction to the consent authority. Drawings must be submitted to the Transport Infrastructure Planning Division of the Department of Transport for approval and no works are to commence prior to approval.

19. Upon completion of any works within or impacting on the Angliss Road and/or the Unnamed Road road reserves, the road reserve(s) shall be rehabilitated in accordance with the Department of Transport’s standards and requirements, to the satisfaction to the consent authority.

NOTES:

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

2. The location and configuration of each access shall be referred to the Transport Infrastructure Planning Division of the Department of Transport for approval in accordance with the Department’s urban industrial property access standards.

3. The finish of any Prime Identification sign, if erected, shall be such that, if illuminated, day and night readability is the same and is of constant display (i.e. not flashing or variable message). The sign shall be positioned:
   a. so as not to create sun or headlight reflection to motorists; and
   b. be located entirely (including foundations and aerially) within the subject lot.
   Advertising signage, either permanent or temporary ie: ‘A frame, vehicle or trailer mounted etc shall not be erected or located within the Angliss Road and the Unnamed Road road reserves.

4. Any floodlighting or security lighting provided on site should be shielded in a manner to prevent the lighting being noticeable or causing nuisance to Angliss Road and the Unnamed Road traffic.

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

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REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into account any planning scheme that applies to the land to which the application relates. The proposal is considered consistent with the purpose of Zone GI (General Industry) to provide for general industrial uses.

   A reduction of parking bays required by Clause 6.5.1 (Parking Requirements) of the NT Planning Scheme in accordance with the provisions of Clause 6.5.2 (Reduction in Parking Requirements) is supported as:
   - the service station will be unmanned and will only be available to those purchasing fuel via fuel card or credit card;
   - the development does not include an area for convenience shopping hence negating the need for any on-site parking.

   In addition, no car parking area or buildings are proposed as part of the development. Therefore, provided landscaping is established between the lot boundaries and the storage tanks, to ensure an acceptable level of visual amenity is obtained, the proposal is considered to meet the purpose of the clause.

   Amended plans are required to provide details of the landscaping required to soften the visual impact of the development including the hardstand areas, and to ensure an adequate level of visual amenity is achieved when viewed from the streetscape in accordance with the objective of Clause 9.1.1 (Industrial Setbacks). A variation to the extent of landscaping required by Clause 9.1.1 is supported, with no screening required to the part of Section 6692 which will remain vacant with no hardstand.

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

   Provided that detailed design drawings which include swept path diagrams are submitted to and approved by the Department of Transport it is not envisaged that it will have a significant impact on the existing and future amenity of the area.

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 for that purpose.

   Relevant service authorities have provided information regarding the requirement for various infrastructure upgrades to support the development. The inclusion of conditions on the permit will in the
opinion of the authority adequately ensure the relevant requirements are suitably met.

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

**ITEM 6**

**PA2015/0324**

**75 X 2 BEDROOM MULTIPLE DWELLINGS PLUS GROUND LEVEL COMMERCIAL TENANCIES IN A 28 STOREY BUILDING INCLUDING 5 ABOVE GROUND LEVELS OF CAR PARKING AND 3 BASEMENT LEVELS**

**LOT 2295 & 2296 (15 & 17) KNUCKEY STREET, TOWN OF DARWIN**

**APPLICANT**

MORPH COLLECTIVE (NT) PTY LTD

Ms Pothitoula Tsougrani and Mr Michael Koulianos (Morph Collective), Mrs Linda Henning (Masterplan NT), Mr George Kapetas (developer), Mr Terry Smith (Hercules) (who tabled information on the car stacker system and the parking and retrieving rate per hour analysis) attended.

Submitter in attendance:- Darwin Central Nominees represented by Mr Brad Cunningham and Mr Ross Finocchiaro.

**RESOLVED**

157/15

That, the Development Consent Authority vary the requirements of Clauses 6.3.2 (Volumetric Control in Central Darwin), 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 Lots 2295 & 2296 (15 & 17) Knuckey Street, Town of Darwin for the purpose of 75 x 2 bedroom multiple dwellings plus ground level commercial tenancies in a 28 storey building including 5 above ground levels of car parking and 3 basement levels, subject to the following conditions:

**CONDITIONS PRECEDENT**

1. Prior to the endorsement of plans and prior to the commencement of works, demonstration is required that the provision of driveway crossovers and the location of the substation have been reviewed with a view to increase the extent of the active frontage of the building to Nuttall Place as far as practical, on the advice of the City of Darwin and Power and Water Corporation, and amended plans provided as necessary, to the satisfaction of the consent authority.

2. Prior to the endorsement of plans and prior to the commencement of works, in principle approval is required for the provision of awnings to the street frontages to the requirements of the City of Darwin and Power and Water Corporation, to the satisfaction of the consent authority. The provision of awnings is to be in accordance with the submitted plans, and shall not reduce the achievement of active frontages to the site boundary.

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

4. Prior to the 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.

5. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare an Environmental and Construction Management Plan (ECMP), to the requirements of the City of Darwin, to the satisfaction of the consent authority. The ECMP is to address waste management, storm water drainage, how construction will be managed on the site, construction hours, details of the haulage of excavated and new materials, and traffic management for construction vehicles ensuring that Shadforth Lane is kept clear at all times.

6. Prior to the commencement of works (including site preparation), the applicant is to prepare a dilapidation report covering infrastructure within the road reserve to the requirements of the City of Darwin, to the satisfaction of the consent authority.

7. Prior to the commencement of works, 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.

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. Before the use commences the owner must, in accordance with Part 6 of the Planning Act, provide a monetary contribution to the City of Darwin in accordance with its Developer Contributions Plan – Stormwater Drainage Works.

10. An Occupancy Permit under the Building Act must not be issued until Lots 2295 and 2296 Town of Darwin have been consolidated and a new title issued for the consolidated lot.

11. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage, electricity facilities and telecommunication networks to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
12. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.

13. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement of site is to be created.

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

15. 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.

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

17. 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.

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, to the satisfaction of the consent authority.

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

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

21. 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.

22. All balconies are to be internally drained and discharge is to be disposed of at ground level and in a manner consistent with stormwater disposal arrangements for the site to the satisfaction of the consent authority.
23. All air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view and from view of neighbouring or nearby developments (or developments reasonably anticipated), located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority. The use of angled louvered slats for screening purposes is acceptable, however the slat screening must be designed with a panel to gap ratio, such that the condenser units are not readily visible from any angle.

24. All roof top plant equipment, equipment relating to the operation of the lift and any other equipment (such as any vents and ducting associated with requirements for stairwell pressurisation or other such ventilation purposes or similar) that will placed on the rooftop of the development shall be appropriately screened, or designed to soften the visual impact of such equipment from view from neighbouring or nearby developments (or developments reasonably anticipated).

25. 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.

26. All substations, fire booster and water meter arrangements are to be appropriately screened to soften the visual impact of such infrastructure on the streetscape, to ensure that the infrastructure is sympathetic to and blends in with the design of the building. Detail will need to be resolved to the satisfaction of the consent authority in consultation with the Power and Water Corporation, and NT Fire and Emergency Services.

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

NOTES:

1. The Authority noted at the time of determining the application, the intent of the applicant in discussing with the land owner of adjacent Lot 6517 (21) Knuckey Street, Town of Darwin, the design of the awning to Shadforth Lane.

2. In consideration of the application, features of the building design including the placement of green walls to the car parking area to Knuckey Street, the extent of landscaping at level 1 and level 6 to the communal open space area, and use of landscaping to the Shadforth Lane frontage to levels 6 – 27, the use of glass balustrading to private open space areas, the provision of coloured blockwork walls, and the provision of columns to Shadforth Lane at levels 1 – 5 were noted by the consent authority in relation to the variations granted to Clause 6.3.2 (Volumetric Control in Central Darwin).

3. 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.

4. 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.

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

6. 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.

7. Telstra advises that the developer is required to contact “Dial Before You Dig” on 1100 to obtain a location of the Telstra network, and arrange for any removal or relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1-800-810-443.

8. The applicant is advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities

9. City of Darwin advises that:
(a) a Tree Protection Zone (TPZ) shall be constructed for all existing trees to be retained within the development, in accordance with Australian Standards – AS 4970-2009 Protection of Trees on Development Sites; and
(b) in accordance with City of Darwin By-Laws, prior to occupation, the applicant shall ensure that a building number is displayed in a position clearly visible from the street.

10. Any floodlighting or security lighting provided on site should be shielded in a manner to prevent the lighting being noticeable or causing nuisance to neighbouring properties.

11. 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.

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

13. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the Planning Act, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. The proposed development is considered to meet the purpose of Zone CB (Central Business) in that it provides for a diversity of activities including commercial and residential uses.

The frontage of the building to Shadforth Lane comprises variations to the Tier 2 setbacks, including from 3m – 5.7m when 6m is required by Clause 6.3.2 (Volumetric Control in Central Darwin). Despite the variations sought to Shadforth Lane to Tier 2, features of the building design including increased setbacks to Shadforth Lane to Tier 1, the setback of the built form from the corners of the site at Knuckey Street/Shadforth Lane and Nuttall Place/Shadforth Lane, and that the setbacks of level 6 are consistent with ‘Tier 2’ despite being situated within the first 25m of the building, are noted, and respond to the height and location of existing adjacent developments. These features retain the opportunity for views including along Knuckey Street which is considered the primary view corridor in this location. It is recognised that these components of the building design may represent a better outcome than a fully compliant design at Tier 1, and may assist in balancing the reduced setbacks to Tier 2. As the reduced setbacks of Tier 2 are adjacent to a road reserve, the potential for daylight and breeze circulation will be maintained.

A reduced building setback of 0.8m to the private open space to the south-east boundary at level 7 only is considered appropriate given the provision of glass balustrading, given the total width of 4.4m along the boundary, given it is preferable to retain a compliant provision of private open space for this unit, and as the objectives of Clause 6.3.2 will be achieved.

Clause 6.3.3 (Urban Design Requirements in Central Darwin) requires that 75% of the street frontage comprise an active interface, with a full...
awning provision. Sub-clause 6.3.3(9) requires that applications for development in Central Darwin should, prior to consideration by the consent authority, include an acknowledgement in writing, from the agency responsible for power and water, the agency responsible for fire rescue services, and the City of Darwin that the requirement for service provisions has been discussed with a view to minimise their impact on active street frontages. Further demonstration and/or amended plans are required to demonstrate that the provision and location of service infrastructure and the width of the driveway crossover have been designed to maximise the extent of active frontages, including to Nuttall Place. The provision of full length awnings to Knuckey Street and Shadforth Place only is considered practical as these streets are most likely to be frequently used by pedestrians.

The application varies Clause 6.5.3 (Parking Layout) to utilise a mechanical stacking system. The information provided by the applicant demonstrates that the design of the parking system will be functional and efficient and is not expected to result in any greater delay to traffic than a conventional car parking system. Overall a surplus of 39 spaces is provided at the site.

2. Pursuant to Section 51(j) of the Planning Act, the consent authority must take into consideration the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development. The proposal is for redevelopment of existing serviced land within the Darwin CBD. No land capability concerns were identified as part of this assessment and the Department of Land Resource Management raised no issues with the proposal in its technical comment discussed at (m) of this report.

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 for that purpose. Conditions Precedent on the development permit require: an Environmental and Construction Management Plan (ECMP); a Waste Management Plan; a Schematic Stormwater Plan; a Traffic Impact Assessment (TIA) Report; and a Dilapidation Report. 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. Pursuant to Section 51(n) of the Planning Act, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated. The land is zoned
accordingly to accommodate the proposed mixed use development and the surrounding area has been developed to service this zone. The proposed development is considered to meet the purpose of Zone CB (Central Business) in that it provides for a diversity of activities including commercial and residential. The non-compliances associated with the proposal are not considered to exacerbate the potential impact on the existing or future amenity of the area.

5. Pursuant to Section 51(e) of the Planning Act, the consent authority must take into consideration any public submissions made under section 49, and any evidence or information received under section 50, in relation to the development application. A total of 3 public submissions were received during the exhibition period under Section 49 of the Planning Act with respect to the proposal. The submissions raised concerns regarding the proposed mechanical car stacker system, the impact on the existing road network and the need for a comprehensive construction management plan. All submissions have been taken into consideration when assessing the proposal and are considered to have been appropriately addressed through the inclusion of conditions on the permit which require submission of: a comprehensive Traffic Impact Assessment (TIA) report which will 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; and an Environmental and Construction Management Plan (ECMP) which will address waste management, storm water drainage, how construction will be managed on the site and construction times, details of the haulage of excavated and new materials, and traffic management for construction vehicles ensuring that Shadforth Lane is kept clear at all times.

ACTION: Notice of Consent and Development Permit

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

GRANT TAMBLING
Delegate

25/6/15