

DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

HEARING No. 235 – FRIDAY 11 JULY 2014

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

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

APOLOGIES: Nil

OFFICERS PRESENT: Nicole Negrete (A/Secretary), Sally Cunningham, Anthony Brennan, Dawn Parkes, Adelle Godfrey and Kirrily Chambers (Session 1 only)

COUNCIL REPRESENTATIVE: Nil

Hearing opened at 10.00am and closed at 12.30

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

ITEM 1 **AL FRESCO DINING FOR EXISTING RESTAURANT IN ADJOINING ROAD**
PA2014/0359 **RESERVE**
 LOT 524 (2) PAVONIA PLACE, TOWN OF NIGHTCLIFF
APPLICANT **PAVONIA PLACE PTY LTD**

Renee Flis (Pavonia Place Pty Ltd) attended.

Submitters Ms Fiona Douglas and Ms Louise Lewis sent their apologies.

RESOLVED
159/14

That, the Development Consent Authority grants a reduction to the parking requirements of clause 6.5.1 (Parking Requirements) under clause 6.5.2 (Reduction in Parking Requirements) of the NT Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consents to the application to develop the road reserve adjoining Lot 524 (2) Pavonia Place, Town of Nightcliff for the purpose of an alfresco dining area for an existing restaurant, subject to the following conditions:

GENERAL CONDITIONS:

1. The works carried out under this permit shall be in accordance with the drawings numbered 2014/0359/01 and 2014/0359/02 endorsed as forming part of this permit.
2. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
3. The alfresco dining area approved by this permit may operate only between the hours of 7am–10pm Monday to Thursday, 7am–midnight Friday to Saturday and 5.30pm–10.00pm on Sundays.
4. No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purposes within the alfresco area approved by this permit.

NOTES

1. 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.
2. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the National Construction Code of Australia, the NT Public Health Act and Regulations, the NT Food Act and National Food Safety Standards.

REASONS FOR THE DECISION

1. The proposed development is generally consistent with the purpose of Zone C (Commercial) which is to provide for a range of business and community uses that are of a scale and character appropriate for the area, respect the amenity of adjacent and nearby uses and promote community safety.
2. Having considered the criteria listed in Clause 6.5.2 (Reduction in Parking Requirements) of the NT Planning Scheme, a reduction of two (2) parking bays is considered warranted. The information and arguments contained within the application together with observations made by departmental officers demonstrates a current underutilisation of vehicle parking in the vicinity and that sufficient on-street parking is available surrounding Nightcliff Village to cater for any increase in patrons as a result of the 24m² alfresco dining area and accordingly, no additional car parking is considered to be warranted by the development.
3. Pursuant to sections 51(e) and 51(n) of the NT Planning Act the consent authority must consider any public submissions received and the potential impact on the current and future amenity of the area.

Two public submissions were received; one in support and one in objection to the proposal with the key reasons for objection being traffic (illegal parking), noise and inappropriate behaviour which is claimed to generate from the subject site.

The site is part of the larger 'Nightcliff Village' commercial precinct with Lot 524 understood to have been utilised for a restaurant since the 1960s. This application for an extension of the existing restaurant to include a designated alfresco area at the front of the site (as shown on the endorsed plans) is considered appropriate given the size of the area, anticipated maximum patron capacity and generous width of the road reserve that separates the area from the nearest dwellings (i.e. approximately 30m away).

In its role as the landowner, the City of Darwin has imposed a number of additional conditions relating to the use of its land (including restrictions on the hours of use).

In acknowledgement of the objection received in response to public exhibition and to protect the current and future amenity of the area, conditions of development approval have also been imposed further restricting the hours that the alfresco area may be used and prohibiting the use of any amplification equipment/loud speakers at the front of the site. The positive impact that alfresco dining offers from a community safety point of view is anticipated to help address any inappropriate behaviour and loitering by non-patrons.

ACTION: Notice of Consent and Development permit

ITEM 2
PA2014/0328

**HOTEL INCLUDING BAR/DINING/GAMING AND FUNCTIONS/ENTERTAINMENT
AREAS**

APPLICANT

**LOT 413 (22) SMITH STREET, TOWN OF DARWIN
NORTHERN PLANNING CONSULTANTS**

Mr Brad Cunnington (Northern Planning Consultants), Ms Andrea Rice and Mr Mitch McNamee (Applicants) and Mr Phil Grice (Land Owner) attended.

Submitter Ms Margaret Clinch sent her apologies.

**RESOLVED
160/14**

That, the Development Consent Authority grants a reduction to the parking requirements of clause 6.5.1 (Parking Requirements) under clause 6.5.2 (Reduction in Parking Requirements), and varies the requirements of Clause 6.3.3 (Urban Design Requirements in Central Darwin) and Clause 6.6 (Loading Bays) of the NT Planning Scheme, and pursuant to section 53(b) of the Planning Act, alters the proposed development and consents to the proposed development as altered to develop Lot 413 (22) Smith Street, Town of Darwin for the purpose of a hotel incorporating bar/dining/gaming and function/entertainment areas with a requirement for 23 car parking spaces (6 spaces provided on-site) subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works approved by this permit, amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and either two copies must be provided or they must be submitted electronically. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) the location of any plant rooms or service equipment on the roof top of the existing heritage building;
 - b) any changes to the design of the building that are required pursuant to the Heritage Act;
 - c) awnings to the maximum extent of the street frontage that can be supported under the Heritage Act;
 - d) the designation of existing car parking space 21 adjoining the proposed hotel loading zone as a 'loading bay' for the hotel;
 - e) the provision of no less than 6 on-site car parking spaces for use by the hotel including no less than 3 of these spaces as being identifiably for the use of hotel customers at all times of the day (where the disabled space is nominally allocated to the hotel but available for both uses);
 - f) the distribution of 'Reserved' and 'Medical Clinic Customer Parking' spaces with no less than 17 medical clinic customer parking spaces being marked as being available to patrons of the hotel outside of normal business hours and on weekends and public holidays;
 - g) a landscaping plan for the development that details the location and type of all plantings that are to be provided (including in planters and pots) within the development boundaries as well as any verge landscaping to the requirements of the City of Darwin and which has regard to the quality of the streetscape and respects the heritage significance of the site;

- h) clear designation of the existing on-site bicycle parking facility as being available for use by staff and patrons of the hotel and on-site signage to effect this; and
 - i) a waste bin storage and collection arrangement that does not intrude on the provision of existing on-site parking and that meets the requirements of the City of Darwin.
2. Prior to the endorsement of plans and prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Darwin stormwater drainage system shall be submitted to and approved by the City of Darwin. to the satisfaction of the consent authority. The plan shall include details of site levels and Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system.

GENERAL CONDITIONS

- 4. 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 (or proposed easements) shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
- 5. Before the occupation of the development starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat;
 - (d) drained;
 - (e) line marked to indicate each car space and all access lanes; and to the satisfaction of the consent authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.
- 6. 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.
- 7. 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 customers. The gates to the parking area are to be open allowing access to customers of the development at all times that the hotel use is open for trade.
- 8. 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.
- 9. 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.

10. 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.
11. 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.
12. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building.
13. All substation, fire booster and water meter arrangements are to be appropriately screened to soften the visual impact of such infrastructure on the streetscape, to ensure that the infrastructure is sympathetic to and blends in with the design of the building. Details will need to be resolved to the satisfaction of the consent authority in consultation with the Power and Water Corporation, and NT Fire and Emergency Services.
14. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority including that no polluted or sediment laden run-off is to be discharged directly or indirectly into City of Darwin drains.
15. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities, and telecommunication networks to the development shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.
16. 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.
17. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) protect street trees;
 - (c) provide footpaths and verge plantings;
 - (d) collect stormwater and discharge it to the drainage network; and
 - (e) undertake reinstatement works;all to the technical requirements of and at no cost to the City of Darwin to the satisfaction of the consent authority.
18. Storage for waste disposal bins is to be provided to the requirements of City of Darwin to the satisfaction of the consent authority.
19. 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.

20. In the circumstance that a future use approved for the other tenancy on the site (currently approved as a medical clinic):
 - is not a use that operates during normal business hours; and/or
 - does not provide at least 17 on-site customer parking spaces that can be accessed by hotel patrons outside of normal business hours (noting that the number of spaces to be provided through a payment in lieu may be less than 17 if some on-site customer parking is still accessible after normal business hours); and further:
 - where the car parking provided on Lot 7582, Town of Darwin is no longer available or no longer required to be made publicly accessible after normal business hours and on weekends and public holidays, in accordance with section 70(5) of the *Planning Act*, up to 17 parking bays must be provided through the payment of a monetary contribution to the City of Darwin. The contribution is to be calculated at the time it is to be made in accordance with the requirements of section 70(6) of the *Planning Act*.
21. The streets adjoining the site are to be kept clear at all times and all deliveries of goods and materials must occur within the site boundary and not within the road reserve. This includes that all trade vehicles and trailers are housed either on-site or at a site that does not interfere with the free flow of vehicles on Bennett and Smith Streets. If this cannot occur a comprehensive Traffic Management Plan for the construction phase to the requirements of the Department of Transport and City of Darwin must be submitted to the consent authority for approval prior to commencement of construction works.
22. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the emission of noise, artificial light, vibration, smell, or waste products.

NOTES:

1. This permit will expire if one of the following circumstances applies:
 - (a) the development and use is/are not started within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.
The consent authority may extend the periods referred to if a request is made in writing before the permit expires.
2. A "Permit to Work Within a Road Reserve" may be required from the City of Darwin before commencement of any work within the road reserve.
3. Professional advice regarding implementation of soil erosion control and dust control measures that may be employed throughout the construction phase of the development is available from Department of Land Resource Management.
4. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities.

5. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
6. The Environment Protection Authority publishes Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities should be restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the Planning Act, the consent authority must take into account the NT Planning Scheme that applies to the land to which this application relates.

'Hotel' is a discretionary use in Zone CB (Central Business) of the NT Planning Scheme and the application sought variations to a number of applicable clauses including Clause 6.3.3 (Urban Design Requirements in Central Darwin) and Clause 6.6 (Loading Bays). The application further sought a reduction of the requirements of Clause 6.5.1 (Parking Requirements) under Clause 6.5.2 (Reduction in Parking Requirements). The application was fully compliant with other relevant clauses.

The DCA notes that Clause 2.5 (Exercise of Discretion by the Consent Authority) requires it only grant consent to vary requirements where it is satisfied that special circumstances justify the giving of consent.

Clause 6.3.3 (Urban Design Requirements in Central Darwin) requires the provision of awnings to streets for the full extent of the site frontage. The heritage requirements that apply to this building are considered a special circumstance that justify consenting to a variation of the requirement to include awnings for the full extent of the site's frontage. The consent authority has requested that awnings are included to the maximum extent that is appropriate having regard to the requirements of the Heritage Act

Clause 6.6 (Loading Bays) and Clause 8.2 (Commercial and Other Development in Zone CB...) require the provision of an on-site loading bay. Noting the applicant's proposition that the on-site parking space adjoining the hotel be designated for management use the DCA is of the opinion that it is more appropriate given the nature of the proposed hotel use that it be designated as a small loading bay to satisfy the requirements of Clauses 6.6 and 8.2. The need for an on-site designated loading bay is further supported by the location of the premises on a busy city intersection that is heavily utilised by public transport buses and provides a primary connection for pedestrians moving between city attractions. A variation to the minimum dimension requirements to allow 2.75 x 5.5 m where 3.5 x 7.5 m would normally be required, is supported as the area to be used is constrained by the existing

approved layout which is considered a special circumstance that justifies consenting to a variation.

A reduction in the parking requirements for the development under clause 6.5.2 (Reduction in Parking Requirements) is determined having considered all the relevant matters specified in clause 6.5.2 and having particular regard to the proposed use and development and the analyses of similar uses contained in the submitted Central Darwin Car Parking Generation and Utilisation Study prepared by Aurecon in 2010. A reduced generation rate for the use from 16 to 3.4 spaces for every 100 m² of net floor area is determined appropriate i.e. 23 spaces required where 105 would otherwise have been generated by clause 6.5.1.

In addition to the reduction under clause 6.5.2, a variation of the Clause 6.5.1 requirement to provide the required car parking spaces on site is approved on the basis of the following special circumstances that the DCA is of the opinion justify a variation:

- There are 23 on-site car parking spaces provided for use by the medical clinic; 20 of which are for medical clinic customers. Provided those spaces identified as being for medical clinic customers are identified on-site as also being available for after business hours use and weekend use by patrons of the hotel and made available at all times the hotel is in operation (i.e. gates are kept open), then cross usage will facilitate the efficient use of the existing parking area.
- There is a significant pool of underutilised out of business hours car parking located on Crown land within Smith Street and proximal to the proposed hotel. Provided those spaces continue to be provided and a requirement remains for them to be publicly accessible after business hours then there will be sufficient surplus in the locality to provide for the effective operations and demands of the use.

The inclusion of a condition on the development permit requiring payment in lieu for up to 17 of the required 23 car parking spaces in any circumstance where the above special circumstances are no longer in place ensures that the variation to the requirement of clause 6.5.1 to allow the spaces to be provided other than on the site will be able to be upheld into the future.

2. Pursuant to Section 51(e) of the *Planning Act* the consent authority must take into consideration any submissions made under section 49 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 from PAn: the Planning Action Network acknowledges the building is heritage listed and notes the importance of respecting the heritage value of its physical form particularly preserving the fabric and distinctive features of the building through a suitable use. Concerns were also raised in regard to parking provision and with respect to the location of gaming facilities in proximity to the Civic Precinct.

The DCA is of the opinion that the proposed use as a hotel featuring bar/dining/gaming and function areas is a suitable use of the heritage premises and notes that no concerns regarding the proposed use were raised under the Heritage Act considerations. The matter of car parking is addressed elsewhere within this decision but the DCA notes that sharing existing on-site parking provision as suggested in the submission has been taken into account.

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 and service connections to support the development. The inclusion of conditions on the permit will in the opinion of the DCA adequately ensure the relevant requirements are suitably met.

4. Pursuant to section 51 (r) of the *Planning Act*, the consent authority must take into account any potential impact on heritage values including the heritage significance of a heritage place declared under the *Heritage Act*.

Approvals under the *Heritage Act* that are required will ensure that the heritage values on the site are maintained and that the building's heritage features are protected. DLPE has advised the DCA that it is satisfied that heritage requirements can be appropriately managed through conditioning on the development permit. Amended plans satisfying any *Heritage Act* requirements have been requested.

ACTION

Notice of Consent and Development Permit

ITEM 3
PA2014/0390

**WAREHOUSE AND SHOWROOM SALES WITH ANCILLARY OFFICE IN A SINGLE
STOREY BUILDING EXCEEDING 8.5M IN HEIGHT
LOT 6050 (17) MEL ROAD, HUNDRED OF BAGOT
NORTHERN TRADE SOLUTIONS PTY LTD**

APPLICANT

Mr Jiayun Lee Li (Northern Trade Solutions Pty Ltd) Attended

RESOLVED
161/14

That, pursuant to section 53(a) of the Planning Act, the Development Consent Authority consent to the application to develop Section 6050 (17) Mel Road, Hundred of Bagot for the purpose of a warehouse and showroom sales with ancillary office in a single storey building exceeding 8.5m in height, 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 the location of existing infrastructure and assets within the road reserve and site including but not limited to:
 - i. Light poles
 - ii. Stormwater Pits
 - iii. Fire Services; and
 - iv. Street Treesrelative to the proposed crossover and driveway.
2. Prior to the commencement of works an Erosion and Sediment Control Plan (ESCP), including details and location of stormwater drains, is to be prepared to the requirements of a suitably qualified professional and submitted to and approved by the consent authority on the advice of the Department of Land Resource Management, and an endorsed copy of the Plan will form part of this permit. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the satisfaction of the consent authority.
3. 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.
4. 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 waste management, traffic control, haulage routes, storm water drainage, use of City of Darwin land and how this land will be managed during the construction phase.
5. Prior to the endorsement of plans and 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

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

7. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
8. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage, electricity facilities and internal firefighting arrangements to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
9. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of City of Darwin, to the satisfaction of the consent authority. And 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. 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.
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.
12. 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.
13. 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.
14. 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.
15. Storage for waste disposal bins is to be provided to the requirements of City of Darwin to the satisfaction of the consent authority.

16. 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.
17. 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.
1. 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.
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 account any planning scheme that applies to the land to which the application relates.

The proposal has been assessed against the relevant clauses of the NT Planning Scheme and is consistent with the type of development anticipated in Zone GI (Generally Industry).

A variation Clause 6.1 (General Height Control) is supported in this instance as although an overall increase in height of approximately 1.8m is proposed, the slope of the land and the applicant's intention to excavate will offset this increase considerably. The parts of the building that will still appear over height are not considered to be overbearing on the surrounding development or streetscape, and the proposed building is considered to still be of a height that is consistent with development provided for by Zone GI (General Industry).

A variation to Clause 9.1.1 (Industrial Setbacks) is supported in this instance as the reduced side and rear setbacks are not considered to compromise the achievement of the objectives of this clause:

- The reduced north side boundary is only being requested for approximately 29% of the total boundary length and consists of an awning that will provide shelter and shade. The building is set back approximately 12.5m along this boundary and the impact on visual amenity from the encroachment of the awning into the minimum setback requirements is considered to be minimal. Furthermore, the affected boundary is under the same ownership of the subject lot and is being developed in conjunction to mirror the proposed development. Therefore both developments will have a reduced side setback on this boundary to achieve the symmetric appearance, but will still achieve approximately 25m separation between the actual warehouse buildings.
 - The reduced rear boundary is not expected to adversely impact on the adjoining lot (Lot 6057) as there is a substantial separation between the two sites as the nearest building on Lot 6057 is approximately 32m away.
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 land is generally flat with a gentle slope towards the southern boundary. The lot is Zoned GI and therefore anticipates a development such as the one being proposed. Furthermore, service authorities did not raise any particular land capability concerns with the development hereby being proposed. There does not appear to be any reasons to suggest that the land is not capable of supporting the proposed development.

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

Given that the proposed development is consistent with the type of development that can be expected in Zone GI (General Industry) the potential impact on the existing or future amenity of the area is considered to be negligible.

4. 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.

Condition Precedents on the development permit require: an amended site plan to show the location of existing infrastructure and assets in the road reserve, an erosion and sediment control plan, a schematic stormwater management plan, an environmental construction management 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.

ACTION

Notice of Consent and Development Permit

ITEM 4
PA2014/0389
APPLICANT

WAREHOUSE AND SHOWROOM SALES WITH ANCILLARY OFFICE IN A SINGLE STOREY BUILDING EXCEEDING 8.5M IN HEIGHT
LOT 6049 (15) MEL ROAD, HUNDRED OF BAGOT
NORTHERN TRADE SOLUTIONS PTY LTD

Mr Jiayun Lee Li (Northern Trade Solutions Pty Ltd) Attended

RESOLVED **162/14**

That, pursuant to section 53(a) of the Planning Act, the Development Consent Authority consent to the application to develop Section 6049 (15) Mel Road, Hundred of Bagot for the purpose of a warehouse and showroom sales with ancillary office in a single storey building exceeding 8.5m in height, 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 the location of existing infrastructure and assets within the road reserve and site including but not limited to:
 - i. Light poles
 - ii. Stormwater Pits
 - iii. Fire Services; and
 - iv. Street Treesrelative to the proposed crossover and driveway.

2. Prior to the commencement of works an Erosion and Sediment Control Plan (ESCP), including details and location of stormwater drains, is to be prepared to the requirements of a suitably qualified professional and submitted to and approved by the consent authority on the advice of the Department of Land Resource Management, and an endorsed copy of the Plan will form part of this permit. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the satisfaction of the consent authority.
3. 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.
4. 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 waste management, traffic control, haulage routes, storm water drainage, use of City of Darwin land and how this land will be managed during the construction phase.
5. Prior to the endorsement of plans and 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

6. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
7. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
8. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage, electricity facilities and internal firefighting arrangements to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

9. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of City of Darwin, to the satisfaction of the consent authority and 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. 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.
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.
12. 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.
13. 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.
14. 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.
15. Storage for waste disposal bins is to be provided to the requirements of City of Darwin to the satisfaction of the consent authority.
16. 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.
17. 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
 - (a) 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. 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.
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 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 account any planning scheme that applies to the land to which the application relates.

The proposal has been assessed against the relevant clauses of the NT Planning Scheme and is consistent with the type of development anticipated in Zone GI (Generally Industry).

A variation Clause 6.1 (General Height Control) is supported in this instance as although an overall increase in height of approximately 1m is proposed, the slope of the land and the applicant's intention to excavate will offset this increase considerably. The parts of the building that will still appear over height are not considered to be overbearing on the surrounding development or streetscape, and the proposed building is considered to still be of a height that is consistent with development provided for by Zone GI (General Industry).

A variation to Clause 9.1.1 (Industrial Setbacks) is supported in this instance as the reduced side and rear setbacks are not considered to compromise the achievement of the objectives of this clause:

- The reduced south side boundary is only being requested for approximately 29% of the total boundary length and consists of an awning that will provide shelter and shade. The building is set back approximately 12.5m along this boundary and the impact on visual amenity from the encroachment of the awning into the minimum setback requirements is considered to be minimal. Furthermore, the affected boundary is under the same ownership of the subject lot and is being developed in conjunction to mirror the proposed development. Therefore both developments will have a reduced side setback on this boundary to achieve the symmetric appearance, but will still achieve approximately 25m separation between the actual warehouse buildings.
 - The reduced rear boundary is not expected to adversely impact on the adjoining lot (Lot 6057) as there is a substantial separation between the two sites as the nearest building on Lot 6057 is approximately 38m away.
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 land is generally flat with a gentle slope towards the southern boundary. The lot is Zoned GI and therefore anticipates a development such as the one being proposed. Furthermore, service authorities did not raise any particular land capability concerns with the development hereby being proposed. There does not appear to be any reasons to suggest that the land is not capable of supporting the proposed development.

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

Given that the proposed development is consistent with the type of development that can be expected in Zone GI (General Industry) the potential impact on the existing or future amenity of the area is considered to be negligible.

4. 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.

Condition Precedents on the development permit require: an amended site plan to show the location of existing infrastructure and assets in the road reserve, an erosion and sediment control plan, a schematic stormwater management plan, an environmental construction management 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.

ACTION

Notice of Consent and Development Permit

ITEM 5
PA2014/0365

**5x1, 51x2 AND 9x3 BEDROOM MULTIPLE DWELLING WITH GROUND
LEVEL CAFÉ AND OFFICE AREAS IN AN 11 STOREY BUILDING PLUS 3
BASEMENT CAR PARKING LEVELS
LOT 1789 (29) DALY STREET AND LOT 2811 (103) WOOD STREET TOWN OF
DARWIN
APPLICANT GEORGE PAUL SAVVAS**

Mr George Savvas (Applicant) and Lloyd Nair (owner) attended.

Submitter Ms Marianne Conaty sent her apologies.

RESOLVED
163/14

That, the Development Consent Authority vary the requirements of Clause 6.3.2 (Volumetric Control in Central Darwin) and Clause 6.6 (Loading Bays) of the NT Planning Scheme, and pursuant to section 53(b) of the *Planning Act*, alter the proposed development and consent to the proposed development as altered to develop Lot 1786 (29) Daly Street, Town of Darwin and Lot 2811 (103) Woods Street, Town of Darwin for the purpose of 5 x 1, 51 x 2 and 9 x 3 bedroom multiple dwellings with ground level cafe and office areas in an 11 storey building plus 3 basement car parking levels, 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 required number of car parking spaces to ensure full compliance with the requirements of clause 6.5.1 (Parking Requirements) including its purpose; or payment in lieu of the commercial parking shortfall to Darwin City Council (for up to a maximum of 8 parking bays);
 - (b) a car parking layout that is clearly annotated and:
 - fully complies with clause 6.5.3 (Parking Layout) of the NT Planning Scheme including its purpose; or

- a car parking layout that complies with the relevant dimensional requirements of Australian Standard AS2090.1:2004 Parking facilities Part 1: Off Street Parking, as confirmed by a suitably qualified professional;
 - (c) the proposed crossover not exceeding 6m in width; and
 - (d) the provision of bicycle parking at ground level.
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a Construction Environmental Management Plan (CEMP), to the requirements of the City of Darwin, to the satisfaction of the consent authority. The CEMP is to address waste management, traffic control, haulage routes, storm water drainage, use of City of Darwin land and how this land will be managed during the construction phase.
 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 commencement of works, a landscape plan must be submitted to the satisfaction of the City of Darwin 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 (including street trees) to be retained and/or removed;
 - (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 all open areas of the site; and
 - (d) design and specifications for landscaping of the road verges adjacent to the property
 - (e) preservation of the large tree near the street corner
 All species selected must be to the satisfaction of the consent authority.
 5. Prior to the endorsement of plans and 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.
 6. 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.

7. Prior to the endorsement of plans and prior to the commencement of works, approval for the location of the 1st floor indoor substation must be obtained from the Power and Water Corporation, 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. Lot 1786 and Lot 2811 must be consolidated. An Occupancy Permit under the Building Act must not be issued until all land affected by the development has been consolidated and a new title issued for the consolidated lot.
10. 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.
11. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities and telecommunication networks to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
12. Before the use or occupation of the development starts, the area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat;
 - (d) drained;
 - (e) line marked to indicate each car space and all access lanes; and
 - (f) clearly marked to show the direction of traffic along access lanes and driveways;to the satisfaction of the consent authority.
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
13. The car parking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their visitors/guests.
14. The recommendations of the traffic impact assessment report as approved by the City of Darwin are to be followed through for the life of the development.
15. Before the use commences the owner must, in accordance with Part 6 of the *Planning Act*, pay a monetary contribution to the City of Darwin for the upgrade of local stormwater infrastructure, in accordance with its Stormwater Contribution Plan.

16. Before the 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. 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. 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.
19. 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.
20. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways;
 - (c) collect stormwater and discharge it to the drainage network; and
 - (d) undertake reinstatement works;all to the technical requirements of and at no cost to the City of Darwin, to the satisfaction of the consent authority.
21. Storage for waste disposal bins is to be provided to the requirements of City of Darwin to the satisfaction of the consent authority.
22. All substation, fire booster and water meter arrangements are to be appropriately screened to soften the visual impact of such infrastructure on the streetscape, to ensure that the infrastructure is sympathetic to and blends in with the design of the building. Details will need to be resolved to the satisfaction of the consent authority in consultation with the Power and Water Corporation, and NT Fire and Emergency Services.
23. All air conditioning condensers 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 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.
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. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building(s).
27. The loading and unloading of goods from vehicles must only be carried out on the land within the designated loading bay and must not disrupt the circulation and parking of vehicles on the land.
28. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
29. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into 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 in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. 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.
3. Notwithstanding the approved plans, the demonstrated awning in City of Darwin's road reserve is subject to Council approval at no cost to Council.
4. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to Council.
5. 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.
6. City of Darwin advises that 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.
7. 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.

8. 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 [1TUhttp://www.comlaw.gov.auU1T](http://www.comlaw.gov.au).
9. 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.
10. 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.
11. 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.

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 has been assessed against the relevant clauses of the NT Planning Scheme and is consistent with the type of development anticipated in Zone CB (Central Business).

- A variation to Clause 6.3.2 (Volumetric Control in Central Darwin) for Tier 2 floor area in excess of 56%; for building lengths greater than 75% of the adjacent boundaries; and for 0m setbacks from the site boundary is supported for the three street frontages only. The purpose of the clause in respect to these boundaries is addressed by the overall design of the building, the site's location and the ability to maximise view corridors to Darwin harbour, the penetration of daylight and breeze circulation between buildings and promote privacy for residents of adjoining properties. Furthermore, a variation to the Tier 2 requirements is considered acceptable in this instance for the reasons and special circumstances discussed in detail at 7(a) of the DCA report.

- A variation to Clause 6.3.2 (Volumetric Control in Central Darwin) for Tier 2 floor area in excess of 56%; for a building lengths greater than 75% of the adjacent boundary; and for a 4.2m – 5m setback from the north west boundary is supported as the proposed development is still considered to meet the purpose of the clause. The ability to maximise view corridors to Darwin harbour and the penetration of daylight and breeze circulation between buildings are all still achieved by the design and articulation of the proposed north west elevation. Furthermore, the privacy for residents of adjoining properties is maintained as there is no opportunity for overlooking from the north west elevation.
 - A variation to Clause 6.6 (Loading Bays) to reduce the height of the loading bay from 4m to 3.9 is supported as the non-compliance is considered to be extremely minor and 100mm is not expected to compromise the suitability of the loading bay for its intended use.
2. 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.

One public submission was received which raised concerns with the provision of parking and traffic impacts. The parking shortfall has not been supported and amended plans have been requested to demonstrate the required number of car parking spaces. In addition, a condition precedent requires the submission of a traffic impact assessment report.

3. 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 land is relatively flat and appears to be unconstrained. The proposal was circulated to the relevant service authorities and there were no particular concerns relating to the capability of the land. Appropriate conditions relating to issues such as stormwater and drainage have been placed on the development permit to ensure that the nearby land is not affected by the development.

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 proposed development is consistent with the purpose of Zone CB (Central Business) in that it provides for a diversity of activities including residential, office and café (other business). The building form and design is sensitive to the needs of pedestrian movements through providing awnings to the street frontages, and it facilitates the creation of safe and active street frontages and public places. In providing a development that is consistent with the purpose of the zone, the impact it will have on the existing and future amenity of the area is considered to be no more or no less than what is reasonably anticipated for

the area given its zoning. Where the development does not comply with the relevant clauses of the NT Planning Scheme, the impact on existing and future amenity has been considered and a variation has only been supported in cases where this amenity will not unduly be impacted upon.

5. 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: a construction environmental management plan, a waste management plan, a schematic stormwater plan and confirmation from Power and Water for the location of the 1st floor indoor substation. 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.

6. The requirement for amended plans at Condition Precedent 1 of this permit will ensure:
 - appropriate provision of car parking for both the residential and commercial components of the development or payment of a monetary contribution to the City of Darwin for any parking shortfall;
 - the parking layout is appropriately designed for its intended purpose;
 - the proposed crossover meets City of Darwin requirements; and
 - Suitable bicycle storage is provided.
7. Conditions Precedent requiring a Traffic Impact Assessment Report and Landscape Plan have been included at the request of City of Darwin.
8. Lot 2811 and Lot 1786 need to be consolidated to ensure compliance with the Building Code of Australia.

ACTION

Notice of Consent and Development Permit

**ITEM 6
PA2014/0400
APPLICANT**

**44x2 BEDROOM MULTIPLE DWELLINGS IN 10 SINGLES STOREY BUILDINGS
SECTION 5694 (41) BOULTER ROAD, HUNDRED OF BAGOT
ONE PLANNING CONSULT**

Mr Israel Kgosiemang (One Planning Consult) and Mr Peter Donnelly attended.

Submitters in attendance: Lesley Alford, Michael Schmid (Rapid Creek Landcare Group INC) Margaret Clinch (The Planning Action Network), Laurene Hull and Christine Cox.

That the Development Consent Authority determine, pursuant to section 53(a) of the *Planning Act*, to consent to the application to develop Section 5694 (41) Boulter Road, Hundred of Bagot for the purpose of 44 x 2 bedroom multiple dwellings in 26 single storey buildings, 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 provide engineered stormwater drainage plans demonstrating that the development will not result in an increased level of impact to surrounding allotments as a result of stormwater (both upstream and downstream). It shall be demonstrated that there are no adverse impacts and no increase in flow rates, due to concentration or total volume of stormwater directed downstream post development. The stormwater plans shall achieve the above outcomes ~~in accordance with the~~ having regard to the Berrimah North Drainage Study and be developed by a suitably qualified professional, to the satisfaction of the consent authority (on advice from the Department of Lands, Planning and the Environment and City of Darwin). The design of the stormwater drainage infrastructure shall be developed following documented consultation with the Department of Health's Medical Entomology division to ensure the potential for semi-aquatic vegetation growth and subsequent creation of habitat for mosquito breeding is minimised.
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a revised schematic plan in accordance with the Berrimah North Drainage Study, 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 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.
4. 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.
5. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a Construction Environmental Management Plan (CEMP), to the requirements of the City of Darwin, to the satisfaction of the consent authority. The CEMP is to address how construction will be managed on the site, and is to include details of the haulage of excavated and new materials, traffic management for construction vehicles, fencing and hours of construction.

6. Prior to the endorsement of plans and prior to the commencement of works (including site preparation) an Erosion and Sediment Control Plan (ESCP), including details and location of stormwater drains, is to be prepared to the requirements of an independent suitably qualified professional and submitted to and approved by the consent authority on the advice of the Department of Land Resource Management, and an endorsed copy of the Plan will form part of this permit. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the satisfaction of the consent authority. The Department of Land Resource Management advises that the IECA Best Practice Erosion and Sediment Control Guidelines 2008 may be referenced as a guide to the type of information, detail and data that should be included in the ESCP.

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. Stormwater drainage discharging shall be collected and discharged in accordance with the approved stormwater drainage design plans, on the advice of a suitably qualified professional to be reviewed by the Department of Lands, Planning and the Environment and the City of Darwin, to the satisfaction of the consent authority. The stormwater drainage shall be entirely free-draining and shall function without ponding, with post-development flows to equate to pre-development flows.
9. Stormwater is to be collected and discharged into the drainage network to the technical standards of, and at no cost to, the Council, to the satisfaction of the consent authority.
10. The recommendations of the traffic impact assessment report as approved by the City of Darwin are to be followed through for the life of the development.
11. Before the use commences the developer/ owner must pay a monetary contribution in accordance with the City of Darwin's Berrimah North Contribution Plan, to assist in upgrading infrastructure in the area, to the satisfaction of the consent authority.
12. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage, electricity, internal firefighting and telecommunications services to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
13. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
14. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the City of Darwin, to the satisfaction of the consent authority.

15. The owner shall:
- (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/cycleways;
 - (c) collect stormwater and discharge it to the drainage network; and
 - (d) undertake reinstatement works;
- all to the technical requirements of and at no cost to the City of Darwin and/ or the Road Networks Division of the Department of Transport, to the satisfaction of the consent authority.
16. 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.
17. The car parking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their visitors/guests.
18. 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.
19. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
20. 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 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.
22. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
23. All air conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
24. Reflective building materials are to be minimised so as to prevent any adverse effect on the operations of the RAAF Base Darwin/ Darwin International Airport, to the satisfaction of the consent authority.

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

NOTES:

1. 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 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.
5. 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 (including cranes) on the site that exceeds 15m 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 [1TUhttp://www.comlaw.gov.au](http://www.comlaw.gov.au)1T.
6. 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>.
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 to develop the site for the purpose of 44 x 2 bedroom multiple dwellings is consistent with the primary purpose of Zone MD (Multiple Dwelling Residential), which is to “provide for a range of housing options to a maximum height of two storeys above ground level”.
2. A schematic stormwater plan and engineered stormwater drainage plan developed in accordance with the Berrimah North Drainage Study 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 there is no increased levels of stormwater post development, will impact the surrounding properties. Furthermore, this requirement ensures that the potential for semi-aquatic vegetation growth and subsequent creation of habitat for mosquito breeding is minimised.
3. Pursuant to section 51(e) of the Planning Act, the consent authority must take into account any submissions made under section 49 in relation to the development application. Four submissions were received which raised concerns with the proposal, particularly in regard to stormwater management, scale of the development, and amenity of the development. The submissions also requested that the proposal be deferred until such time as the expanded Berrimah North Area Plan, Darwin Regional Use Land Plan and the Rapid Creek Floodplain Management Area Plan are complete. The proposal has been assessed as being fully compliant with the NT Planning Scheme, including the density and building setback requirements. Precedent conditions should adequately address stormwater management, traffic issues, infrastructure, construction management and waste management. It is not considered reasonable to defer the application based on a proposed future plan when the development complies with the existing zoning and NTPS and whilst the site has an existing permit for development.
4. Pursuant to section 51(j) of the Planning Act, the consent authority must take into account the capability of the land to which the proposed development relates to support the proposed development. The application includes a letter from the NT EPA advising that a Site Audit Report has been prepared for the property and that the site is suitable for the proposed development for multiple dwelling housing.
5. 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.

6. 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 multiple dwellings on an appropriately zoned lot, and provides appropriate building setbacks and on-site car parking, together with a building height lower than the height permitted by the Scheme on this site. These factors combined demonstrates consideration for the existing and future amenity of adjoining properties, and a building design that optimises the MD zoned land without resulting in undue overlooking. The level of compliance achieved with the NT Planning Scheme controls and other requirements of the Scheme are considered to demonstrate that the development is suitable for the site without significantly compromising the existing and future amenity of the area.

ACTION:

Notice of Consent and Development Permit

ITEM 7
PA2014/0362

2 x WAREHOUSES WITH REDUCED LANDSCAPING TO STREET FRONTAGE
PORTION 2865 (51) BERRIMAH ROAD, HUNDRED OF BAGOT

APPLICANT

NT CONSULTING ENGINEERS

Michael Cooper (NT Consulting Engineers) and Mark Wattam (owner) attended

RESOLVED
165/14

That, the Development Consent Authority vary the requirements of Clause 6.5.3 (Parking Layout) and 9.1.1 (Industrial Setbacks) of the NT Planning Scheme, and pursuant to section 53(b) of the Planning Act, alter the proposed development and consent to the proposed development as altered to develop Portion 2865 (51) Berrimah Road, Hundred of Bagot for the purpose of 2 x warehouses, 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 minimum of 1.5m of landscaping along the Berrimah Road street frontage (located within the site).
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.

3. Prior to the commencement of works (including site preparation), the applicant is to prepare a Construction Environmental Management Plan (CEMP), to the requirements of the City of Darwin, to the satisfaction of the consent authority. The CEMP 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 City of Darwin, to the requirements of the 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 the drawings endorsed as forming part of this permit.
6. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
7. 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.
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) 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.
10. 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.
2. 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.

3. 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.
4. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
13. Storage and collection for waste disposal bins is to be provided to the requirements of Darwin City Council 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 to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/ or surrounding infrastructure.

REASONS FOR THE DECISION

1. The proposed development is generally consistent with the purpose of Zone LI (Light Industry) which is to 'provide for light industry uses or development activities that will not by the nature of their operations, detrimentally affect adjoining or nearby land.'
2. Variation to Clauses 6.5.3 (Parking Layout) and 9.1.1 (Industrial Setbacks) to allow a landscaping width of less than 3m and a reduced side building setback is considered appropriate in this instance as:
 - a. the required amendments to the plans will ensure sufficient landscaping is provided to street frontages in line with the objectives of these clauses in relation to screen planting; and
 - b. the proposed site layout enables vehicles to drive-through the warehouse tenancies and load/unload and continue on in a forward gear and avoid needing to reverse into the car parking area. Locating the building with compliant setbacks, in this case on a site of this shape and size, would preclude this option and would limit the useability of the otherwise serviced and suitably zoned site. The setbacks proposed are considered to be compatible with the existing developments that adjoin the property and provide for a more consistent streetscape in this part of Berrimah Road.

ACTION

Notice of Consent and Development Permit

ITEM 8
PA2014/0346

24x1 AND 16x6 BEDROOM MULTIPLE DWELLING IN A 9 STOREY WITH
GROUND LEVEL COMMERCIAL SPACE AND 3 LEVEL BASEMENT PARK
LOT 1423 (44) WOOD STREET, TOWN OF DARWIN
DANDAL ASHFORD

APPLICANT

Brad Cunningham (Northern Planning Consults) attended in representation of Randal Ashford.

Mr Brad Cunningham tables 10 photos.

RESOLVED
166/14

That, pursuant to section 46(4)(b) of the Planning Act, the Development Consent Authority defer consideration of the application to develop Lot 1423 (44) Woods Street, Town of Darwin for the purpose of 24x1 and 16x2 bedroom multiple dwellings in a 9 storey building with ground level commercial space and 3 levels of basement car parking, 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:

- Further information and/or additional plans that demonstrate the special circumstances that the applicant wishes to have considered to justify the requested variation to Clause 6.2.3 (Volumetric Control in Central Darwin);
- Further information regarding the servicing requirements of the Power and Water Corporation and NT Fire and Rescue Service that clarify the impact of required service infrastructure on the building's frontage with reference to the requirements of Clause 6.3.3 (Urban Design Requirements);
- Confirmation that the parking layout complies with the relevant Australian Standard, particularly in relation to functionality of bays 52 and 53.

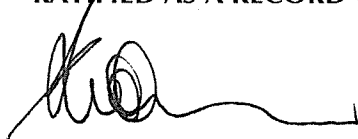
REASON FOR DECISION

1. Pursuant to section 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 the proper consideration of the proposal and its impact on the site and surrounding area.

ACTION

Letter of Deferral

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



PETER MCQUEEN
Delegate

18/07/14