



## **DEVELOPMENT CONSENT AUTHORITY**

### **DARWIN DIVISION**

### **MINUTES**

**MEETING No. 246 – FRIDAY 23 JANUARY 2015**

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

**MEMBERS PRESENT:** Denis Burke (Chairman), Grant Tambling, Ross Baynes, Garry Lambert and Bob Elix

**APOLOGIES:** Nil

**OFFICERS PRESENT:** Margaret Macintyre (Secretary), Hanna Stevenson, Anthony Brennan, Adelle Godfrey and Ann-Marie Dooley and for part of the meeting Sally Cunningham (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Items 3 & 6 only

**Meeting opened at 10.45 am and closed at 3.45 pm**

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

**ITEM 1**                      **WAREHOUSE, OFFICES AND A CARETAKERS RESIDENCE IN A 2 STOREY**  
**PA2014/0774**           **BUILDING**  
**APPLICANT**           **SECTION 3115 (102) REICHARDT ROAD, HUNDRED OF BAGOT**  
**GF MORANDINI EARTHWORKS PTY LTD**

Mr Frank Morandini (Morandini Earthworks Pty Ltd) and Mr Andrew Swenson (IN 4D) attended.

**RESOLVED**  
**11/15**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Section 3115 (102) Reichardt Road, Hundred of Bagot for the purpose of warehouse, offices and a caretaker's residence in a 2 storey building to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

- Written land owner's consent from Land Administration, Department of Lands, Planning and the Environment to lodge the application;
- Suitably amended plans that confirm landscaping details between the car parking area and property boundaries that front Benison Road, Raphael Road and Kruger Street such that compliance with Clause 6.5.3(g) can be confirmed;
- Suitably amended plans that include details of on-site traffic circulation including one-way traffic movement on the driveway adjacent to the boundary fronting Raphael Road.

**RESOLVED**  
**12/15**

That pursuant to section 86 of the *Planning Act*, the Authority delegates to the Chairman, or in the Chairman's absence any one of the other members of the Darwin Division the power under section 53 of the Act, to determine the application to develop Section 3115 (102) Reichardt Road, Hundred of Bagot for the purpose of warehouse, offices and a caretakers residence in a 2 storey building subject to:

- Written land owner's consent from Land Administration, Department of Lands, Planning and the Environment to lodge the application;
- Suitably amended plans that confirm landscaping details between the car parking area and property boundaries that front Benison Road, Raphael Road and Kruger Street such that compliance with Clause 6.5.3(g) can be confirmed;
- Suitably amended plans that include details of on-site traffic circulation including one-way traffic movement on the driveway adjacent to the boundary fronting Raphael Road.

And further subject to conditions as determined by the delegate.

**ACTION:**                      Advice to Applicant

ITEM 2  
PA2014/0980

**20 X 2 AND 8 X 3 BEDROOM MULTIPLE DWELLINGS AND OFFICES IN A  
9 STOREY BUILDING**

APPLICANT

**LOT 1391 (8) SHEPHERD STREET, TOWN OF DARWIN  
GEORGE SAVVAS**

Mr George Savvas attended.

Submitter Ms Patsy Hickey attended.

**RESOLVED  
13/15**

That, the Development Consent Authority vary the requirements of Clause 6.3.2 (Volumetric Control in Central Darwin), Clause 6.3.3 (Urban Design Requirements in Central Darwin), Clause 6.5.3 (Parking Layout) and Clause 6.6 (Loading Bays) of the NT Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 1391 (8) Shepherd Street, Town of Darwin for the purpose of 20 x 2 and 8 x 3 bedroom multiple dwellings and offices in a 9 storey building, subject to the following conditions:

**CONDITIONS PRECEDENT**

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a plan showing how existing council assets will interact with the proposed development, in particular with the proposed awnings, is to be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority.
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), confirmation, in the form of a letter or report, from a suitably qualified traffic engineer that the car parking layout complies with the relevant Australian National Standard and is designed appropriately for safe and convenient parking, must be submitted to the satisfaction of the consent authority and approved by the consent authority.
3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), approval for the 1m x 1m electricity easement must be obtained from Power and Water, in consultation with the owner of Lot 1936, to the satisfaction of the consent authority.
4. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale and must be generally in accordance with the plans submitted with the application but modified to show the locations of all air-conditioning condenser units and provide details of the screening to be utilised to ensure the condenser units are appropriately screened from public view and from view of neighbouring or nearby developments (or developments reasonably anticipated). The locations of all condenser units must allow convenient access for ongoing repair and maintenance. The use of angled louvered slats for screening purposes is acceptable, however the slat screening must be designed with an acceptable panel to gap ratio, such that the condenser units are not readily visible from any angle.

5. Prior to the commencement of works (including site preparation), the applicant is to prepare a dilapidation report covering infrastructure within the road reserve to the requirements of the City of Darwin, to the satisfaction of the consent authority.
6. 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.
7. Prior to the commencement of works, the applicant is to prepare an Environmental and Construction Management Plan (ECMP), to the requirements of the City of Darwin, to the satisfaction of the consent authority. The ECMP is to address waste management, traffic control, haulage routes, storm water drainage, use of City of Darwin land and how this land will be managed during the construction phase.
8. 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**

9. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
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. 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.
15. 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.
16. 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.
17. 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.
18. 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.
19. The owner shall:
  - (a) remove disused vehicle and/ or pedestrian crossovers;
  - (b) provide footpaths/ cycleways;
  - (c) collect stormwater and discharge it to the drainage network; and
  - (d) undertake reinstatement works;all to the technical requirements of and at no cost to the City of Darwin, to the satisfaction of the consent authority.
20. 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.
21. 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.

22. All balconies are to be internally drained and discharge is to be disposed of at ground level and in a manner consistent with stormwater disposal arrangements for the site to the satisfaction of the consent authority.
23. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the consent authority.
24. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building.
25. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the consent authority.
26. 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.
27. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
28. 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](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto: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 NBN Co prior to commencing construction to determine if your development is in an NBN-eligible area. This will help identify the relevant telecommunication network servicing requirements for the development.  
To register, please complete the pre-qualification forms located at [www.nbnco.com.au/newdevelopments](http://www.nbnco.com.au/newdevelopments). For more information, please contact the NBN Co New Developments Team on 1800 687 626 or email [newdevelopments@nbnco.com.au](mailto:newdevelopments@nbnco.com.au)
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. 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.
7. 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.
8. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from Department of Land Resource Management.
9. This development as approved by the Development Consent Authority (DCA) achieves a level of active interface deemed by the authority to provide 75.7% of the length of the site boundary (Woods Street and Shepherd Street combined) at ground level as active street frontage. Retaining this level of active frontage is considered by the DCA to be essential to this development achieving the purpose of clause 6.3.3 (Urban Design Requirements in Central Darwin). Any reduction in the percentage of active street frontage is unlikely to be supported, and will require full consideration by the DCA at a meeting of the authority. Refer to "Design guidance to achieve active frontages and provide for services" for advice to active street frontages in relation to service authority requirements.
10. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email ([info@ntbuild.com.au](mailto:info@ntbuild.com.au)) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.

## **REASONS FOR THE DECISION**

1. 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 to Woods Street and Shepherd Street is supported for the following reasons:

- The floor area is increased by just 1.5% and the applicant has demonstrated that this is not to increase the size of the residential units but is just a result of the overall design. A compliant floor area would reduce some of the communal service areas and make little difference to the overall design outcome or mass when viewed from adjoining properties.
  - Both of the Street frontages are only marginally longer than required (0.7-1.9%). The applicant has demonstrated that reducing the length of the boundary does not have a significant impact on the appearance or mass of the building and as such the proposed design is considered acceptable.
  - 0m setbacks to the street frontages are considered appropriate in this instance as it is considered that the purpose of the clause can still be achieved. The width of the streets provide the necessary separation distance between buildings to maximise view corridors to Darwin Harbour; for the penetration of daylight and breezes circulation between buildings and to promote privacy for residents of adjoining buildings. Furthermore, the 0m setback is limited to a 3.43m high portion of the building.
2. A variation to Clause 6.3.3 (Urban Design Requirements in Central Darwin) to allow for a surplus of car parking spaces to be provided at ground level is supported as the car parking area is fully screened from public view and reducing the number of bays will have no impact on the design of the building. A surplus of 8 car parking spaces on the ground level is considered to be a positive outcome in that it will alleviate some potential on-street parking issues.
  3. A variation to Clause 6.5.3 (Parking Layout) is supported as there appears to be sufficient space to achieve an appropriate parking layout. It is subject to receiving confirmation from a suitably qualified traffic engineer that the parking layout is designed appropriately for safe and convenient parking, and therefore consistent with the purpose of the clause.
  4. A variation to Clause 6.6 (Loading Bays) to reduce the height of the loading bay from 4m to 3.9 and the length from 7.5m to 6.8m is supported as the non-compliance is considered to be minor and is not expected to compromise the suitability of the loading bay for its intended use.
  5. Pursuant to Section 51(e) of the *Planning Act*, the consent authority must take into consideration any public submissions made under section 49, and any evidence or information received under section 50, in relation to the development application.

One public submission was received which raised a number of concerns with the proposed development. The submitter's concerns have been discussed in this report and are considered to have been either acknowledged or addressed through the inclusion of appropriate conditions on the development permit.



6. The proposed development is consistent with the purpose of Zone CB (Central Business) in that it provides for a diversity of activities including residential and office. The building form and design is sensitive to the needs of pedestrian movements through providing awnings to the street frontages. It facilitates the creation of safe and active street frontages and public places through the large expanse of windows and building entrances/exits. 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.
7. Conditions Precedent requiring amended plans to show the interaction of existing assets with the proposed development; and a dilapidation report have been included at the request of Council.
8. Condition precedent 5 requiring amended plans to show the locations and screening details of all air-conditioning condenser units has been included to ensure compliance with Clause 7.8 (Building Design for multiple Dwellings...) and to protect the amenity of nearby residents.

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

**ITEM 3** **68 X 2 BEDROOM MULTIPLE DWELLINGS PLUS GROUND & 1ST FLOOR**  
**PA2014/0808** **COMMERCIAL TENANCIES IN A 22 STOREY BUILDING WITH 4 ABOVE**  
**GROUND LEVELS OF CAR PARKING AND 1 BASEMENT LEVEL**  
**LOTS 2295 & 2296 (15 & 17) KNUCKEY STREET, TOWN OF DARWIN**  
**APPLICANT** **MORPH COLLECTIVE (NT) PTY LTD & GEORGE KAPETAS**

Ms Pothitoula Tsougranis, Ms June D'Rozario (June D'Rozario & Associates) and Mr Ross Connolly attended.

Ms D'Rozario tabled a response to request for additional information in relation to special circumstances that justify variation to clause 6.3.2.

Submitters in attendance:- Brad Cunnington (Northern Planning Consultants – submitter on behalf of Darwin Central Nominees Pty Ltd), Mr Ross Finocchiaro (Darwin Central Nominees), Mr Michael Collins and Mick Burns (Monsoons), Ms Margaret Clinch (PLan) and City of Darwin represented by Ms Cindy Robson (Strategic Town Planner - City of Darwin).

**RESOLVED** That, pursuant to section 53(c) of the *Planning Act*, the Development Consent  
**14/15** Authority refuse to consent to the application to develop Lots 2295 and 2296 (15 and 17) Knuckey Street, Town of Darwin for the purpose of 68 x 2 bedroom multiple dwellings plus ground & 1st floor commercial tenancies in a 22 storey building with 4 above ground levels of car parking and 1 basement level for the following reasons:

#### **REASONS FOR THE DECISION**

1. Pursuant to section 51(a) of the *Planning Act*, when considering an application the consent authority must take into account any planning

scheme that applies to the land. The NT Planning Scheme applies to the subject site. In accordance with Clause 2.5 (Exercise of Discretion by the Consent Authority) of the NT Planning Scheme, the consent authority may consent to a development that does not meet the standards of Part 4 of the Scheme only if it is satisfied that special circumstances justify the giving of consent.

The proposal was assessed as non-compliant with Clause 6.3.2 (Volumetric Control in Central Darwin). This clause specifies the siting and mass controls of buildings within Central Darwin. In particular the proposal does not comply with the Tier 2 (Tower) setback requirements of 6m to all site boundaries. Having considered the discussion in the Department's report in conjunction with the additional justification and supporting information put forward by the applicant at the meeting, the consent authority could not identify special circumstances which justify departure from the requirements of Clause 6.3.2 of the NT Planning Scheme. The applicant put forward at the meeting that the combination of the site's area and dimensions, its boundaries to three road reserves and its location near the most prominent CBD intersections collectively amounts to special circumstances. The consent authority was of the opinion that these circumstances were not unusual, exceptional, out of the ordinary and unexpected in the context of the Darwin CBD. In particular the consent authority was of the opinion that these characteristics of the site did not need to give rise to the non-compliance expressed in the design.

2. In relation to the merits of the proposal, the Authority believes that the proposal with reduced setbacks to the Tier 2 (Tower) levels conflicts with the purpose of Clause 6.3.2 which is to ensure that the siting and mass of buildings within Central Darwin promotes a built form that maximises the potential for view corridors to Darwin harbour and for the penetration of daylight and breeze circulation between buildings. The reduced setbacks in the context of this purpose undermine the minimum setbacks which are designed to ensure the orderly and appropriate future development within Central Darwin. The applicant's argument that the site's three frontages would enable the clause purpose to be satisfied by allowing view corridors to Darwin harbour and for the penetration of daylight and breeze circulation was not accepted by the consent authority it is of the opinion that if road reserves were to be accounted for in this regard, the clause would be written as such.

**ACTION:**

Notice of Refusal

**ITEM 4  
PA2014/0921  
APPLICANT**

**3 X 4 BEDROOM MULTIPLE DWELLINGS IN 3 X 2 STOREY BUILDINGS  
LOT 1334 (5) ARAFURA COURT, TOWN OF NIGHTCLIFF  
PA GROUP PTY LTD**

Mr Savvas Savvas (PA Group Pty Ltd) attended.

**RESOLVED**  
**15/15**

That, the Development Consent Authority vary the requirements of Clause 7.3.1 (Additional Setback Requirements for Residential Buildings Longer than 18m and for Residential Buildings over 4 Storeys in Height) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 1334 (5) Arafura Court, Town of Nightcliff for the purpose of 3 x 4 bedroom multiple dwellings in 3 x 2 storey buildings, subject to the following conditions:

**CONDITIONS PRECEDENT**

1. 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.
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a waste management plan to the requirements of the City of Darwin, to the satisfaction of the consent authority.
3. Prior to the commencement of works (including site preparation), the applicant is to prepare a dilapidation report covering infrastructure within the road reserve to the requirements of the City of Darwin.
4. 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. The ECMP is to address how construction will be managed on the site, and is to include details of waste management, traffic control and haulage routes, stormwater drainage and the use of City of Darwin land.

**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 land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
7. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
8. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement of site is to be created.

9. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the City of Darwin, to the satisfaction of the consent authority.
10. The owner shall:
  - a) remove disused vehicle and/ or pedestrian crossovers;
  - b) provide footpaths/ cycleways;
  - c) collect stormwater and discharge it to the drainage network; and
  - d) undertake reinstatement works;all to the technical requirements of and at no cost to the City of Darwin, to the satisfaction of the consent authority.
11. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the City of Darwin to the satisfaction of the consent authority.
12. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin to the satisfaction of the consent authority.
13. 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.
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. 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.
16. All air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
17. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the consent authority.
18. All balconies are to be internally drained and discharged is to be disposed of at ground level and in a manner consistent with stormwater disposal arrangements for the site to the satisfaction of the consent authority.
19. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

## NOTES:

1. This development permit does not grant building approval. You are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing construction works.
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto: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. A permit to work within a road reserve may be required from the City of Darwin before commencement of any work within the road reserve.
4. The Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency's Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
5. You are advised to contact NBN Co prior to commencing construction to determine if your development is in an NBN-eligible area. This will help identify the relevant telecommunication network servicing requirements for the development. To register, please complete the pre-qualification forms located at [www.nbnco.com.au/newdevelopments](http://www.nbnco.com.au/newdevelopments). For more information, please contact the NBN Co New Developments Team on 1800 687 626 or email [newdevelopments@nbnco.com.au](mailto:newdevelopments@nbnco.com.au).
6. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email ([info@ntbuild.com.au](mailto:info@ntbuild.com.au)) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.

## REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. The purpose of Zone MD is to provide for a range of housing options to a maximum height of two storeys above ground level. The proposal is consistent with the intended use of the land for multiple dwellings.
2. A variation to the requirements of Clause 7.3.1 (Additional Setback Requirements for Residential Buildings Longer than 18m and for Residential Buildings over 4 Storeys in Height) is considered acceptable

given the proposal is considered to meet the objectives of the clause including to minimise any adverse effects of building massing and visual bulk when viewed from adjoining land. Whilst the total building along the boundary is lengthened by the addition of screening to the upper level balcony, the screening assists in providing privacy between the development and the adjacent property to the south. The total building length is unlikely to appear excessive from the adjoining land given the lot shape and configuration of the adjacent development to the south, and as articulation is provided through the provision of upper level windows and screening features.

3. The City of Darwin advised that it is the sole authority responsible under the *Local Government Act* and associated by-laws for stormwater drainage and waste collection and as such has requested details of the collection of stormwater and waste for this proposal.

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

**ITEM 5**                      **ADDITION TO AN EXISTING WAREHOUSE WITH A REDUCED FRONT SETBACK**  
**PA2014/0897**            **(UNIT 1)**  
**APPLICANT**           **LOT 9225 (59) DE LATOUR STREET, TOWN OF NIGHTCLIFF**  
                                 **NICHOLAS HUNT & SUSAN HUNT**

Mr Nicholas & Mrs Susan Hunt attended.

**RESOLVED**              That, the Development Consent Authority vary the requirements of Clause 9.1.1  
**16/15**                      (Industrial Setbacks) of the NT Planning Scheme, and pursuant to section 53(a) of the  
                                 *Planning Act*, consent to the application to develop Lot 9225 (59) De Latour Street,  
                                 for the purpose of additions to an existing warehouse with a reduced front setback  
                                 (Unit 1), subject to the following conditions:

#### **CONDITIONS PRECEDENT**

1. Prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Darwin 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 to Council's system.
2. 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.

## GENERAL CONDITIONS

3. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
4. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities arrangements to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
6. 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.
7. Storage for waste disposal bins is to be provided to the requirements of City of Darwin to the satisfaction of the consent authority.
8. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

## NOTES:

1. This development permit does not grant "building approval" for the proposed structure. The Building Code of Australia requires that 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.
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto: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. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to Council.
4. Notwithstanding the approved plans, any proposed works (including landscaping and structures) within Council's road reserve and Council land is subject to Council's approval and shall meet all Council's requirements, to the satisfaction of the General Manager of Infrastructure, City of Darwin and at no cost to Council.
5. The Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in

accordance with the Agency's Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

6. 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.
7. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.

## REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into 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 existing development and type of development anticipated in Zone LI (Light Industry).

A variation to Clause 9.1.1 (Industrial Setbacks) is supported in this instance as the proposed setback is considered to provide an adequate level of visual amenity for the following reasons:

- The location of the site on the corner of De Latour Street benefits from a generous road reserve which gives the impression of the site having a greater setback;
- The proposed extension and reduced setback is opposite a road and therefore there is no potential to impact on the amenity of neighbours; and
- The proposed extension will improve the current streetscape by providing an active interface through the use of louvre windows.

Furthermore, the 0m setback is limited to approximately 16.3m of the 31m front boundary.

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

The proposal is for a small extension to an existing building which is not considered to result in any land capability issues.



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

The proposed development is considered to be an improvement on the existing amenity of the area through providing an active interface with De Latour Street.

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

**ITEM 6  
PA2014/0972  
APPLICANT**

**HOTEL (LOUNGE BAR AND CABARET CLUB)  
LOT 3396 (33) THE MALL, TOWN OF DARWIN  
HAWAIIAN PUNCH**

Mr Graham Oates (Hawaiian Punch) and Ms Meredith Koch (Cenfun – owners) attended.

Ms Koch tabled advice on the allocated parking for the development.

Submitter:- City of Darwin represented by Mr Matt Grassmayr (Manager Liveability COD) attended.

**RESOLVED  
17/15**

That, the Development Consent Authority grant a reduction to the parking requirements under clause 6.5.2 (Reduction in Parking Requirements), and vary the requirements of clauses 6.5.1 (Car Parking), 6.5.3 (Parking Layout) and 6.6 (Loading Bays) of the NT Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 3396 (33) The Mall, Town of Darwin for the purpose of hotel (lounge bar and cabaret club) with a requirement for 6 car parking spaces (6 spaces provided on-site between the hours of 6pm and 6am) 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 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 new plant rooms or service equipment on the roof top of the building; and
  - b) site plan which clearly identifies the 6 car parking spaces and loading bay (i.e. linemarked and labelled) with the 3 spaces provided for the ground floor shop tenancy identified as being available for exclusive use by patrons of the hotel outside of standard business hours

2. Prior to the commencement of works (including site preparation) the applicant is to prepare a waste management plan in accordance with Council's Waste Management Policy 054, to the requirements of 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 provide written correspondence from the owner of the site confirming that the lease agreement includes access to 3 parking spaces at all times and an additional 3 spaces between 6pm and 6am.

#### **GENERAL CONDITIONS**

4. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
5. The use is only available to the general public between the hours of 8pm and 4am.
6. Any developments on or adjacent to any easements on site (or proposed easements) shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
7. Before the occupation of the development starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
  - (a) constructed;
  - (b) properly formed to such levels that they can be used in accordance with the plans;
  - (c) surfaced with an all-weather-seal coat;
  - (d) drained; and
  - (e) line marked to indicate each car space and all access lanes;to the satisfaction of the consent authority.  
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
8. 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.
9. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building.
10. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities, and telecommunication networks to the development shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.
11. Storage for waste disposal bins is to be provided to the requirements of City of Darwin to the satisfaction of the consent authority.

12. 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.
13. In the circumstance that the hotel use does not provide an additional 3 car parking spaces outside of normal business hours, in accordance with section 70(5) of the *Planning Act*, up to 3 parking bays must be provided through the payment of a monetary contribution to the City of Darwin. The contribution is to be calculated in accordance with the requirements of section 70(6) of the *Planning Act*.
14. 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. 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. 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. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
4. The Environmental Protection Authority publishes Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities should be restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

#### REASONS FOR THE DECISION

1. The proposal is consistent with the primary purpose of zone CB (Central Business), being "to provide for a diversity of activities including administrative, judicial, professional, office, entertainment, cultural,

residential, retail and other business activities, with a commitment to the separation of incompatible activities”.

2. A 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 Central Darwin Car Parking Generation and Utilisation Study prepared by Aurecon in 2010. A reduced generation rate for the use is considered appropriate with 6 spaces required where 46 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 supported on the basis of the following special circumstances that are considered to justify a variation:

- There are 6 on-site car parking spaces available; 3 of which are provided for the ground floor shop tenancy, and 3 of which are provided for the proposed hotel use. Provided those spaces identified as being for the shop use are identified on-site as also being available for after business hours use by patrons of the hotel, then cross usage will facilitate the efficient use of the existing parking area.

The inclusion of a condition on the recommended permit that requires payment in lieu to be made to the City of Darwin for up to 3 car parking spaces in the circumstance that the hotel use does not provide an additional 3 car parking spaces outside of normal business hours 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.

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. One submission was received which raised concerns with the proposal, particularly in regard to amenity impacts on adjacent and nearby land, car parking shortfall, and the inconsistency of the use with the surrounding development. The proposal, being a predominantly after-hours lounge bar and cabaret club use, is not expected to become the dominant land use in the area, and is unlikely to impact negatively on the amenity of the surrounding public realm. It is reasonably expected to provide an increase in both active and passive surveillance to the area (security, pedestrian movement and lighting), as well as provide an increase in general economic activity. The matter of car parking is addressed elsewhere within the reasons for recommendations.

4. In accordance with the requirements of section 51(m) of the *Planning Act*, consideration has been given to all comments received from service authorities, with all relevant matters addressed through conditions or notes on the development permit, thereby ensuring that an appropriate level of service is maintained for the site and surrounding locality.

**ACTION:**

Notice of Consent and Development Permit

**ITEM 7**  
**PA2014/0946**

**ADDITION OF RESTAURANTS AND SHOPS TO AN EXISTING SHOPPING CENTRE**

**APPLICANT**

**LOT 9576 (247) TROWER ROAD, TOWN OF NIGHTCLIFF**  
**JUNE D'ROZARIO & ASSOCIATES PTY LTD**

Ms June D'Rozario (June D'Rozario & Associates), Mr Paul Watkinson and Mr Ingor Niemeier (Sitzlers) attended.

**RESOLVED**  
**18/15**

That, the Development Consent Authority determine to reduce the car parking requirements pursuant to Clause 6.5.2 (Reduction in Parking Requirements) of the NT Planning Scheme and vary the requirements of Clause 6.5.3 (Parking Layout), and pursuant to Section 53(a) of the *Planning Act*, consent to the application to develop Lot 9576 (247) Trower Road, Town of Nightcliff for the purpose of the addition of restaurants and shops to an existing shopping centre, subject to the following conditions:

**CONDITIONS PRECEDENT**

1. Prior to the endorsement of plans and prior to the commencement of works, a traffic impact assessment must be provided to the requirements of the Department of Transport and the City of Darwin, to the satisfaction of the consent authority. The traffic impact assessment must be prepared in accordance with the Austroads *Guide to Traffic Management Part 12: Traffic Impacts of Development* to analyse the relevant intersections and assess the operation traffic impact of the proposed development and proposed changes to the main entry, the disconnection between Trower Road multi-deck parking and other parking areas of the overall development, plus pedestrian, cyclist and public transport issues and opportunities.
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - a. improved pedestrian connections including pathways and crossings where reconfigurations are proposed to the existing ground level car park to ensure safe pedestrian access can be achieved between car parking spaces and building entrances;
  - b. bicycle parking provided in conveniently accessible locations adjacent to major entrances at ground level in accordance with Austroads *Cycling*

- Aspects of Austroads Guides* on the advice of the Department of Transport;
- c. approval from the Department of Transport and City of Darwin as required, for awnings, signage, landscaping and other features situated within the Trower Road reserve;
  - d. any changes required to the access arrangements to Trower Road on the plans as a result of the traffic impact assessment required by Condition Precedent 1 on the advice of the Department of Transport and City of Darwin.
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 a waste management plan to the requirements of the City of Darwin, to the satisfaction of the consent authority.
  5. Prior to the commencement of works (including site preparation), the applicant is to prepare a dilapidation report covering infrastructure within the road reserve to the requirements of the City of Darwin.
  6. 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. The ECMP is to address how construction will be managed on the site, and is to include details of waste management, traffic control and haulage routes, stormwater drainage and the use of City of Darwin land.

## 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. Before the use/occupation of the development starts, all works identified within the Traffic Impact Assessment and any other works as required by the Department of Transport and City of Darwin are to be undertaken to the requirements of, and at no cost to, the Department of Transport or the City of Darwin as the case may be, to the satisfaction of the consent authority.
9. Before the use/occupation of the development starts, written confirmation from a qualified traffic engineer that the car parking spaces and access lanes associated with the development comply with the relevant Australian Standard for car parking must be provided in instances where car parking does not comply with the minimum requirements of Clause 6.5.3 (Parking Layout) of the

Northern Territory Planning Scheme, to the satisfaction of the consent authority.

10. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
11. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
12. The proposed changes to Trower/Vanderlin Roads shall be designed and certified on completion in accordance with the standards and specifications of the Department of Transport.
13. Trucks entering and exiting the site are required to prevent the dropping or tracking of materials onto the streets and sweep and clean material off the road as necessary to the requirements of the Department of Transport.
14. The finish of any signage should not cause reflection to motorists and should be entirely located within the subject land (unless consent is granted otherwise) and lighting should prevent nuisance to motorists to the requirements of the Department of Transport to the satisfaction of the consent authority.
15. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the Department of Transport and the City of Darwin as required, to the satisfaction of the consent authority.
16. 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 Department of Transport and the City of Darwin as required, to the satisfaction of the consent authority.
17. Before the use/occupation of the development starts, the areas set aside for 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.

18. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the City of Darwin to the satisfaction of the consent authority.
19. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin to the satisfaction of the consent authority.
20. 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.
21. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
22. 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 (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view to the satisfaction of the consent authority.
24. 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.
25. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

#### **NOTES:**

1. This development permit does not grant building approval. You are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing construction works.
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto: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. A permit to work within a road reserve is required from the Department of Transport and/or City of Darwin before commencement of any work within the road reserve.
4. The Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency's Noise Guidelines for Development Sites. The



guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

5. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
6. The Department of Health advise that details of the internal design of restaurants including in relation to wastewater disposal, food preparation, dining, ventilation, ablutions and solid waste disposal are required by Environmental Health prior to any internal building works, and must be registered as a Food Business and comply with the *NT Food Act 2004*. In addition, the water play area must be constructed and maintained in accordance with the *Environmental Health Fact Sheet No 470 – Interactive Water Parks*.

## REASONS FOR THE DECISION

1. Pursuant to Section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. The development is consistent with the purpose of Zone C (Commercial) which is to provide for a range of business and community uses.
2. A reduction in car parking pursuant to Clause 6.5.2 (Reduction in Parking Requirements) is considered appropriate in recognition of the traffic report submitted with the application which indicates:
  - a. that the retail components of the development are provided with the same parking rate as that of the existing overall development which is sufficient to meet car parking demand for all but a few occasions per year and that further additional parking would be underutilised for much of the time;
  - b. that large shopping centres of this type result in greater efficiencies of parking; and
  - c. the intended use of the restaurant tenancies is in providing an ancillary service to visitors of the broader shopping centre, and also in providing for visitors from the early evening onwards which is outside of the existing peak patronage times.
3. A variation to the requirements of Clause 6.5.3 (Parking Layout) is considered acceptable as the proposal is expected to achieve a car parking area which is appropriately designed, constructed and maintained for its intended purpose on the basis that the parking space and access lanes dimensions are being designed in accordance with the relevant Australian Standard.

4. The requirement for amended plans will ensure the needs of pedestrian and cyclists are appropriately addressed and integrated into the design.
5. That any changes required in relation to the surrounding road network be identified and works undertaken to the requirements of the Department of Transport and the City of Darwin to ensure the development can be safely accessed and accommodated.
6. The City of Darwin advised that it is the sole authority responsible under the Local Government Act and associated by-laws for stormwater drainage and waste collection and as such has requested details of the collection of stormwater and waste for this proposal.

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

**ITEM 8**  
**PA2014/0891**  
**APPLICANT**

**TEMPORARY STOCKPILE OF FILL**  
**SECTION 6599 (621) STUART HIGHWAY, HUNDRED OF BAGOT**  
**NORTHERN PLANNING CONSULTANTS**

Mr Brad Cunnington (Northern Planning Consultants) attended.

**AR**  
**RESOLVED**  
**19/15**

That, pursuant to Section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Section 6599 (621) Stuart Highway, Hundred of Bagot for the purpose of temporary stockpile of fill, subject to the following conditions:

#### **CONDITIONS PRECEDENT**

1. Prior to the endorsement of plans and prior to the commencement of works, an Erosion and Sediment Control Plan (ESCP), is to be 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. The ESCP is to be developed by a suitably qualified and experienced professional in erosion and sediment control planning, and in accordance with the IECA Best Practice Erosion and Sediment Control Guidelines 2008. The plan should detail methods and treatments for minimising erosion and sediment loss from the site during both the construction and operational phases. Erosion and sediment control information can also be sourced from the Department's website at <http://lrm.nt.gov.au/soil/management>.
2. 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. The ECMP is to address how construction will be managed on the site, and is to include details of waste management, traffic control and haulage routes, stormwater drainage and the use of City of Darwin land.
3. Prior to the commencement of works (including site preparation), the applicant is to prepare a dilapidation report covering infrastructure within the road reserve to the requirements of the City of Darwin.

## GENERAL CONDITIONS

4. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
5. Prior to the use of any NT Government roads for the haulage of materials from outside the Berrimah Business Park, the applicant is to prepare a construction traffic management plan which details the proposed haulage routes, vehicle types, the protection of existing assets, and a risk assessment to the requirements of the Department of Transport.
6. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the requirements of the consent authority, upon the advice of the Department of Land Resource Management.
7. Dust control measures must be employed throughout both the construction and operation of the development to the satisfaction of the consent authority.
8. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the City of Darwin, to the satisfaction of the consent authority.

The owner shall:

- remove disused vehicle and/or pedestrian crossovers;
  - provide footpaths/cycleways;
  - collect stormwater and discharge it to the drainage network; and
  - 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. The proponent must ensure that the stockpiling comprises only clean fill (virgin excavated natural material) or inert fill, and that any inert fill has been adequately assessed as being suitable for its intended use.
  10. The owner of land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
  11. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.

## NOTES:

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

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. The Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency's Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
4. The Department of Transport advises that all trucks leaving the site are to prevent the dropping or tracking of materials onto streets. This includes all wheels, tracks and body surfaces being free of mud and other contaminants before entering the sealed road network. Where tracked material becomes a road safety issue, the Developer will be obliged to sweep and clean material off the road.

### REASONS FOR THE DECISION

1. Pursuant to Section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. The stockpile of fill is proposed for a temporary period and is intended to be utilised in the construction of the eventual subdivision of the land in accordance with the provisions of Zone SD42, and does not conflict with the provisions of that zone. The
2. An Erosion and Sediment Control Plan developed by a suitably qualified and experienced professional is required to be submitted to the Department of Land Resource Management to ensure appropriate methods and treatments for minimising erosion and sediment loss are utilised during both the construction and operation phases to ensure the filling will not adversely affect adjacent land or the quality of downstream waters.
3. Pursuant to Section 51(e) of the *Planning Act*, the consent authority must take into consideration any public submissions received in relation to the application. A public submission raises concerns in relation to the management of weeds during the stockpiling of materials, however the development will be subject to the controls of the *Weeds Management Act* and the applicant has been advised these responsibilities will be applicable to the development.

### ACTION:

Notice of Consent and Development Permit

**ITEM 9**  
**PA2014/0962**  
**APPLICANT**

**SUBDIVISION TO CREATE 2 LOTS**  
**PORTION 1323 (3) MARLOW ROAD, HUNDRED OF BAGOT**  
**DPL DEVELOPMENTS PTY LTD**

Mr Darron Lyons (DLP Developments) attended.

**RESOLVED  
20/15**

That, the Development Consent Authority vary the requirements of Clauses 11.1.1 (Minimum Lot Sizes and Requirements) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Portion 1323 (3) Marlow Road, Hundred of Bagot for the purpose of subdivision to create 2 lots, 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 identification of the location of individual driveway accesses from each lot to Marlow Road on the subdivision plan, or otherwise the identification of right of way easement/s on the subdivision plan to allow for unrestricted access to each lot utilising the existing driveway, to the requirements of the City of Darwin.

**GENERAL CONDITIONS**

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. A statement from a licenced building certifier is required to be submitted which confirms that all required works have been completed to ensure that the subdivision will not cause any building to cease to comply with the *Building Act* to the satisfaction of the consent authority.
4. The owner of land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage, electricity, and telecommunication services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. All kerb crossovers and driveways are to meet the technical standards of the City of Darwin, to the satisfaction of the consent authority.

The owner shall:

- remove disused vehicle and/or pedestrian crossovers;
  - provide footpaths/cycleways;
  - collect stormwater and discharge it to the drainage network; and
  - 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.

6. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for approval by the Surveyor General.
7. 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 to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. The Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency's Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

#### REASONS FOR THE DECISION

1. Pursuant to Section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. A variation to the requirements of Clause 11.1.1 (Minimum Lot Sizes and Requirements) is considered acceptable as the objectives of Zone LI (Light Industry) are expected to be achieved, and as the subdivision is anticipated to enable the functional use of the land and lots are capable of accommodating potential future uses and development.
2. Pursuant to Section 51(m) of the *Planning Act*, the consent authority must take into consideration the public utilities or infrastructure provided in the area in which the land is situated. The City of Darwin is the authority responsible for Marlow Road and has requested further details be provided in relation to proposed access arrangements to ensure appropriate access is achieved to service each proposed lot.
3. Pursuant to Section 51(q) of the *Planning Act*, the consent authority must take into consideration whether any building will comply with any requirements prescribed by regulation in relation to the building, for example requirements about the structural integrity and fire safety of the building. A statement from a licenced building certifier is required to be submitted which confirms that all required works have been completed

to ensure that the subdivision of the land will not cause any building to cease to comply with the *Building Act*.

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

**ITEM 10**                      **SUBDIVISION AND CONSOLIDATION TO CREATE 2 LOTS - WITH NEW LOT TO**  
**PA2014/0559**                **BE FRONTING MCMILLANS SERVICE ROAD (WITHIN AREA CURRENTLY ZONED**  
                                     **COMMERCIAL)**  
                                     **LOTS 4522 & 9718 (221 & 225) MCMILLANS ROAD, TOWN OF NIGHTCLIFF**  
**APPLICANT**                **BELL GABBERT ASSOCIATES PTY LTD**

Mr Mark Bell (Bell Gabbert Associates Pty Ltd), Mr Manuel Zaroufis (owner) and his son Mr Peter Zaroufis attended.

**RESOLVED**  
**21/15**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 9718 and part Lot 4522 (225 and 221) McMillans Road, Town of Nightcliff for the purpose of 'subdivision and consolidation to create 2 lots', subject to the following conditions:

**CONDITIONS**

1. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
2. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities, and telecommunication services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
3. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for approval by the Surveyor General.
4. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, vehicular access and streetscaping are to be to the technical requirements of the City of Darwin and/ or Department of Transport (whichever the case may be) to the satisfaction of the consent authority and all approved works constructed at the owner's expense.

**NOTES:**

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

2. 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. The proposed subdivision and consolidation is consistent with the requirements of the NT Planning Scheme. The subdivision and consolidation will enable further use of existing Zone C (Commercial) land and affirms the primacy of the existing commercial centre as promoted by Clause 4.2(d) of the Darwin Region Planning Principles and Land Use Framework.
2. The proposed eventual lot size is considered of a suitable size for the style and scale of development reasonably anticipated given the zoning.
3. This application does not affect the operation of the cemetery under Reserve 1199 on Lot 4522.

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

**ITEM 11**  
**PA2014/0560**

**ADDITIONS TO EXISTING MOTEL INCLUDING A SHOP, RESTAURANT, MOTEL OFFICE, 12 X 2 BEDROOM DUAL KEY & 10 X 1 BEDROOM SERVICED APARTMENTS, AND 14 X 2 BEDROOM MULTIPLE DWELLINGS IN A 3 STOREY BUILDING WITH UNDERCROFT CAR PARKING (ON LAND CURRENTLY ZONED COMMERCIAL)**

**APPLICANT**

**LOTS 4522 & 9718 (221 & 225) MCMILLANS ROAD, TOWN OF NIGHTCLIFF**  
**BELL GABBERT ASSOCIATES PTY LTD**

Mr Mark Bell (Bell Gabbert Associates Pty Ltd), Mr Manuel Zaroufis (owner) and his son Mr Peter Zaroufis attended.

**RESOLVED**  
**22/15**

That, the Development Consent Authority vary the requirements of Clause 6.5.3 (Parking Layout), Clause 7.5 (Private Open Space) and Clause 7.6 (Communal Open Space) of the NT Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 9718 and part Lot 4522 (225 and 221) McMillans Road, Town of Nightcliff for the purpose of 'additions to existing motel including a shop, restaurant, motel office, 12 x 2 bedroom dual key & 10 x 1 bedroom serviced apartments, and 14 x 2 bedroom multiple dwellings in a 3 storey building with undercroft car parking', subject to the following conditions:



## CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to include:
  - (a) landscaping along the rear boundary that adjoins Lot 4522 that lessens the visual impact of the car parking area and development as viewed from adjacent Lot 4522.
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a schematic plan demonstrating all stormwater can be collected on the site and discharged to Council's stormwater drainage system, to the requirements of City of Darwin, to the satisfaction of the consent authority.
3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a Environmental Construction Management Plan (ECMP), to the requirements of the City of Darwin, to the satisfaction of the consent authority. The ECMP is to address how construction will be managed on the site, and is to include details of the haulage of excavated and new materials, traffic management for construction vehicles, fencing and hours of construction.
4. Prior to the commencement of works (including site preparation) a waste management plan in accordance with Council's Waste Management Policy is required to be submitted, to the requirements of the City of Darwin, to the satisfaction of the consent authority.
5. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a traffic impact assessment report prepared in accordance with the Austroads document 'Guide to Traffic Management Part 12: Traffic Impacts of Developments'. The report must outline changes that will be required to the surrounding road network and address vehicular, pedestrian, cyclist and public transport issues and opportunities, and is to include swept paths for waste collection vehicles entering and exiting the site. The report is to be to the approval of the City of Darwin and/or Department of Transport (as the case may be), 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. 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.

8. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created.
9. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
10. The recommendations of the traffic impact assessment report as approved by the City of Darwin and/or the Department of Transport are to be followed for the life of the development.
11. 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.
12. 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.
13. 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.
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 the City of Darwin to the satisfaction of the consent authority.
16. 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.
17. 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.
- 18. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the City of Darwin, to the satisfaction of the consent authority.
  - 19. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
  - 20. All air conditioning condensers (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.
  - 21. 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.
  - 22. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the consent authority.
  - 23. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
  - 24. Each of the dual key dwellings is to remain within the one unit entity (single ownership/single title) in the event that the development is unit titled.

#### NOTES:

- 1. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
- 2. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites in the Northern Territory. The guidelines specify that on-site construction activities are restricted to between

7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

3. A "Permit to Work Within a Road Reserve" may be required from the Department of Transport and/ or City of Darwin (as the case may be) before commencement of any work within the road reserve.
4. 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.
5. Any floodlighting or security lighting provided on site should be shielded in a manner to prevent the lighting being noticeable or causing nuisance to McMillans Road traffic.
6. You are advised to contact NBN Co prior to commencing construction to determine if your development is in an NBN-eligible area. This will help identify the relevant telecommunication network servicing requirements for the development.
7. To register, please complete the pre-qualification forms located at [www.nbnco.com.au/newdevelopments](http://www.nbnco.com.au/newdevelopments). For more information, please contact the NBN Co New Developments Team on 1800 687 626 or email [newdevelopments@nbnco.com.au](mailto:newdevelopments@nbnco.com.au)
8. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email ([info@ntbuild.com.au](mailto:info@ntbuild.com.au)) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.

## REASONS FOR THE DECISION

1. The site is within Zone C (Commercial) of the NT Planning Scheme. Redevelopment of the site for an extension to the existing motel and the addition of new serviced apartments, multiple dwellings and commercial tenancies is considered to align with the purpose of the clause which is to 'provide for a range of business and community uses.' The development is considered to be of a scale and character appropriate for the area, having considered the built form of existing buildings on the same site but also on adjacent land. The proposal is considered to respect the amenity of adjacent and nearby uses by complying with the maximum building height requirements, on-site parking requirements and having regard for the existing cemetery located on Lot 4522 by restricting views in that direction.
2. A variation to the requirements of Clause 6.5.3 (Parking Layout) of the NT Planning Scheme is considered acceptable as a similar approach

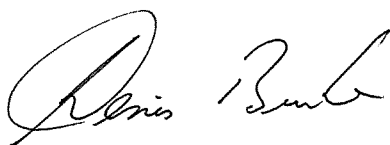
taken on another site on McMillans Road has demonstrated that a reduced setback of this degree in this type of location can be suitable where appropriate plant species and plant quantities are provided. The application and plans confirm the intent to landscape the area and the requirement for the applicant to submit confirmed landscaping details will ensure that plant choice and quantity is adequate to sufficiently reduce the impact of the car parking area.

3. A variation to the requirements of Clause 7.5 (Private Open Space) of the NT Planning Scheme is considered acceptable in this instance to allow serviced apartments to be provided with compliant quantities of private open space but of non-compliant dimensions. The variation is considered appropriate given the intended use of the affected dwellings as serviced apartments and the likelihood that occupants may only reside in the dwelling for short to medium periods and will not have the typical space demands as longer-term residents.
4. A variation to the requirements of Clause 7.6 (Communal Open Space) of the NT Planning Scheme is considered appropriate given the mixed composition of accommodation provided as part of the development. With the additional communal open space provided the development will achieve closer compliance with the requirements of the clause and its purpose which is to ensure that suitable areas for communal open space are provided.
5. The conditions of approval, together with amendments required will ensure that the site is serviced appropriately and further reduce any potential for negative impacts on surrounding land. In addition, the requirement to provide additional site landscaping is supported both by the City of Darwin in its submission and by this report.

The additional landscaping required along the rear boundary will aid in softening the development as viewed from properties to the rear.

**ACTION:** Notice of Determination

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



**DENIS BURKE**  
Chairman

4. /2/15

