



# **DEVELOPMENT CONSENT AUTHORITY**

## **DARWIN DIVISION**

### **MINUTES**

**MEETING No. 245 – FRIDAY 5 DECEMBER 2014**

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

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

**APOLOGIES:** Bob Elix

**OFFICERS PRESENT:** Margaret Macintyre (Secretary), Hanna Stevenson, Anthony Brennan, Adelle Godfrey and Dawn Parkes (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Nil

**Meeting opened at 9.30 am and closed at 2.00 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**                    **SHADE SAIL ADDITIONS TO AN EXISTING SINGLE DWELLING WITH REDUCED**  
**PA2014/0761**            **FRONT SETBACKS**  
**APPLICANT**            **LOT 4891(12) MAHOGANY CRESCENT, TOWN OF SANDERSON**  
**SITI KHALIDAH NURUL HUDA BINTI KAMARUZAMAN**

Ms Nurul Kamaruzaman (applicant and owner) attended.

**RESOLVED**            That, the Development Consent Authority vary the requirements of Clause 7.3  
**300/14**                    (Building Setbacks of Residential Buildings) of the Northern Territory Planning  
Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application  
to develop Lot 4891 (12) Mahogany Crescent, Town of Sanderson for the purpose of  
shade sail additions to an existing single dwelling with reduced front setbacks, subject  
to the following conditions:

**CONDITION 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) Relocation of the south eastern most post to increase the front setback of that post by an additional 2m.

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

**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. City of Darwin advise that:
  - a. any works on/over City of Darwin property shall be subject to a separate application to the City of Darwin.
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.

### 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 requires a variation to the front setback requirements of Clause 7.3 – Building Setbacks of Residential Buildings. The angle of the existing dwelling on the site limits the opportunity to create shaded parking areas. It is considered that the shade sails achieve shade to the front of the site whilst limiting building massing impacts or restricting breeze penetration opportunities by their lightweight appearance. Amending the front setback of one of the posts will articulate the street presentation of the shade sails further and minimise any adverse impacts of building massing. It is therefore considered that the proposal generally meets the purpose of Clause 7.3 of the planning scheme.

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

There is no reason to suggest that the land is not capable of supporting the proposed development.

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 not expected to unduly impact on the existing or future amenity of the area.

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

**ITEM 2**  
**PA2014/0789**  
**APPLICANT**

**2 X 4 BEDROOM MULTIPLE DWELLINGS IN A 2 STOREY BUILDING**  
**LOT 4223 (36) WILMOT STREET, TOWN OF DARWIN**  
**ELMAR VON MURALT AND MADELEINE VON MURALT**

Mr Com Mu, Mrs Madeleine Von Muralt and Mr Alex Lawton (Elton Consulting) attended. Mr Mu showed members a photo of the current 1.6m boundary fence.

Submitter Mr Robert White attended and tabled his submission.

**RESOLVED**  
**301/14**

That, the Development Consent Authority vary the requirements of Clause 7.5 (Private Open Space) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 4223 (36) Wilmot Street, Town of Darwin for the purpose of 2 x 4 bedroom multiple dwellings in a 2 storey building, subject to the following conditions:

#### **CONDITIONS PRECEDENTS**

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:
  - (b) Shade devices to the windows in each of the dwellings garages; and
  - (c) A shade tree located in the front yard of the site to provide shading to the driveway area.
2. Prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Darwin stormwater drainage system shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority.
3. Prior to the commencement of works (including site preparation), the applicant is to prepare a dilapidation report covering infrastructure within the road reserve to the requirements of the City of Darwin, to the satisfaction of the consent authority.

#### **GENERAL CONDITIONS**

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

accordance with the authorities' requirements and relevant legislation at the time.

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. 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.
9. 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.
10. 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.
11. 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.
12. Before the occupation of the development starts the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
13. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
14. The private open space areas of each dwelling shall be screened on each boundary by:
  - (a) the erection of a solid wall or screen fence not less than 1.8 metres high: or
  - (b) fenced to a height not less than 1.8 metres high and planted with dense vegetation,except where varied by this permit.
15. 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.
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. 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. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from Department of Land Resource Management.
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](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. City of Darwin advises that:
  - (a) all street trees shall be protected at all times during construction; and
  - (b) in accordance with City of Darwin By-Laws, prior to occupation, the applicant shall ensure that a building number is displayed in a position clearly visible from the street.
4. 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)

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

**REASONS FOR THE DECISION**

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

The proposed development of 2 x 4 bedroom multiple dwellings in a 2 storey building is consistent with the Zone of the land being SD45 which limits the development of the site to two units. The proposal is mostly compliant with the requirements of the Planning Scheme but requires a variation to Clause 7.5 (Private Open Space) for the provision of a 1.6m high fence on the western boundary of the private open space, rather than a 1.8m high fence.

Given that dense landscaping is proposed in front of the 1.6m high fence, a visual barrier will be achieved within 2 years of planting and a 200mm discrepancy in the height of the fence is not considered to affect the overall compliance of the development with the objectives of the Scheme.

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 proposed density is consistent with the specific requirements of Zone SD45. Service authorities have not raised any particular concerns with servicing the proposed development subject to necessary upgrades being undertaken at the developer's expense, nor were any concerns raised in relation to the capability of the land.
3. Pursuant to section 51(m) of the *Planning Act*, the consent authority must take into account the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose.

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

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

The proposed development is generally in accordance with the requirements of the NT Planning Scheme. Given the high degree of compliance no adverse amenity impacts are foreseen.

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

ITEM 3  
PA2014/0780

**GOLF COURSE (LEISURE AND RECREATION) ADDITION TO AN EXISTING  
CARAVAN PARK  
LOT 9289 (622) LEE POINT ROAD & LOT 9461 (20) BUFFALO CREEK ROAD,  
TOWN OF NIGHTCLIFF**

APPLICANT

**HAMES SHARLEY**

DAS tabled comments from Department of Health and NTPEA.

The applicant did not attend.

**RESOLVED  
302/14**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 9461 (20) Buffalo Creek Road and Lot 9289 (622) Lee Point Road, Town of Nightcliff for the purpose of a golf course (Leisure and recreation) addition to an existing caravan park, 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:

1. Confirmation from both Power and Water (Water Services) and Environmental Health that they are satisfied with the proposed irrigation of the golf course development;
2. An amended plan to provide details of the parking layout as required by Clause 6.5.1 and Clause 6.5.3;
3. Details of any additional works to the existing wastewater treatment infrastructure;
4. An amended plan to show the details and the height of the proposed development including the driving range. Details to be shown include but not limited to pathways, lights, fences, landscaping, fairways, bunkers and water features; and
5. An amended plan to show details for the use of the vacant area south of hole 1.

**REASON FOR THE DECISION**

1. Pursuant to section 46(4)(b) of the *Planning Act*, the consent authority may defer consideration of a proposal to allow the applicant to provide additional information it considers necessary to enable the proper consideration of the proposal and its impact on the site and surrounding area.

**ACTION:** Advice to Applicant

ITEM 4  
PA2014/0814  
APPLICANT

**5 X 3 BEDROOM MULTIPLE DWELLINGS IN 3 X 2 STOREY BUILDINGS  
LOT 1694 (25) GEORGE CRESCENT, TOWN OF DARWIN  
DPL DEVELOPMENTS**

Mr Darron Lyons (DLP Developments) attended and tabled an amended site plan.

**RESOLVED  
303/14**

That, the Development Consent Authority vary the requirements of Clauses 7.1.1 (Residential Density Limitations), 7.3.1 (Additional Setback Requirements for Residential Buildings Longer than 18m and for Residential Buildings over 4 Storeys in Height) and 7.5 (Private Open Space) of the Northern Territory Planning Scheme, and



pursuant to Section 53(a) of the *Planning Act*, consent to the application to develop Lot 1694 (25) George Crescent, Town of Darwin for the purpose of 5 x 3 bedroom multiple dwellings in 3 x 2 storey buildings, subject to the following conditions:

#### **CONDITIONS PRECEDENT**

2. 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) Changes to nominate the location of a 1m x 1m easement to the requirements of the Power and Water Corporation; and
  - (b) Changes to provide screening to the windows of habitable rooms at the upper level of Unit 2 adjacent the north-eastern boundary of the site to prevent undue overlooking to the adjacent property.
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.

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

8. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
9. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
10. The 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.
11. 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.
12. 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.
13. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin to the satisfaction of the consent authority.
14. 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.
15. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
16. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
17. All air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view and direct sun, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
18. 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.

19. 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.
20. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

#### **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. The applicant is advised to accurately define the lot boundaries prior to construction of the building or boundary fences.

#### **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 7.1.1 (Residential Density Limitations) is considered acceptable in this instance given the scale of the built form is anticipated to be compatible with the streetscape and with development which may be reasonably anticipated within the locality. The increased density is unlikely to be immediately apparent from George Crescent, with the building containing Units 3 – 5 situated towards the rear of the site and adjacent the public open space. The development is considered to be site-responsive in accommodating the irregular shape of the rear boundary, providing adequate private open space, car parking and landscaping, and providing reasonable building lengths along the adjacent residential lot boundaries with adequate separation between buildings to minimise adverse views from adjacent sites.
  
3. 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, including the public open space area to the rear. Features of the building design including varied setbacks to the built form at the ground and upper levels adjacent the rear boundary, and the use of balconies which provide dimension and visual interest to the building. Adjacent residential uses are unlikely to be impacted by the additional building length as the affected boundary adjoins the public open space area at the rear.
  
4. 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 as such has requested details of the collection and discharge of stormwater for this proposal.

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

**ITEM 5**                                    **INDEPENDENT UNIT EXCEEDING 50 SQUARE METRES**  
**PA2014/0786**                           **LOT 10883 (PROPOSED LOT 11562) MUIRHEAD, TOWN OF NIGHTCLIFF**  
**APPLICANT**                           **ROSSI ARCHITECTS**

Mr Rossi Kouronis and Mr Brodie McDonald (Rossi Architects) attended.

**RESOLVED**                            That, the Development Consent Authority vary the requirements of Clause 7.10.4  
**304/14**                                    (Independent Units) of the Northern Territory Planning Scheme, and pursuant to  
Section 53(a) of the *Planning Act*, consent to the application to develop Lot 11275  
(Proposed Lot 11562 - 18 Bridge Street, Muirhead), Town of Nightcliff for the  
purpose of an independent unit with a floor area in excess of 50m<sup>2</sup>, subject to the  
following conditions:

## CONDITION PRECEDENT

1. Prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Darwin stormwater drainage system shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority.

## GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings numbered 2014/0786/1 to 2014/0786/10, endorsed as forming part of this permit.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage, electricity and telecommunication facilities to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to City of Darwin to the satisfaction of the consent authority.
5. 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.
6. The owner shall:
  - (a) remove disused vehicle and/ or pedestrian crossovers;
  - (b) provide footpaths/ cycleways;
  - (c) collect stormwater and discharge it to the drainage network; and
  - (d) undertake reinstatement works;all to the technical requirements of and at no cost to the City of Darwin, to the satisfaction of the consent authority.
7. 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.
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. 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. 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 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 proposal for an independent unit is consistent with the purpose of Zone SD (Single Dwelling) which is to provide for single dwellings on individual lots.
2. A variation to the requirements of Clause 7.10.4 (Independent Units) for the development of an independent unit which exceeds 50m<sup>2</sup> is considered acceptable as the large size of the site (4000m<sup>2</sup>) ensures that the small increase in floor area proposed for the independent unit is unlikely to impact in any way on the amenity of adjoining or nearby properties. Breezes Design Review Panel has endorsed the proposal and City of Darwin does not object to the size of the independent unit or the dual driveway.
3. The City of Darwin advises that it is the sole authority responsible under the *Local Government Act* and associated by-laws for stormwater drainage and as such has requested details of the collection and discharge of stormwater for this proposal.

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

**ITEM 6**  
**PA2014/0828**  
**APPLICANT**

**CHANGE OF USE OF PART OF THE SITE TO SUPPORTING ACCOMMODATION**  
**PORTION 2173 (30) TIVENDALE ROAD, HUNDRED OF BAGOT**  
**ROSSI ARCHITECTS**

Mr Rossi Kouronis and Mr Brodie McDonald (Rossi Architects) attended.

**RESOLVED**  
**305/14**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Portion 2173 (30) Tivendale Road, Hundred of Bagot for the purpose of a change of use of part of the site to supporting accommodation, subject to the following conditions:

### CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), confirmation that the existing wastewater treatment system has sufficient capacity to support the change in use is to be submitted to

and approved by the consent authority on the advice of the Department of Health.

## 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. Stormwater shall be wholly contained within the site and discharged into the local underground stormwater system to the standards and approval of the Transport Infrastructure Division, Department of Transport (where it impacts on Northern Territory Government controlled roads) and the Land Administration Division, Department of Lands, Planning and the Environment (where it impacts on Crown land or a drainage easement in favour of the Territory), to the satisfaction of the consent authority.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage and electricity services to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
6. The car parking shown on the endorsed plans must be available at all times for the exclusive use of persons associated with the use/development associated with this permit.
7. 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.
8. 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.
9. Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the consent authority.
10. The loads of all trucks entering and leaving the site of works are to be constrained in such a manner as to prevent the dropping or tracking of materials onto streets. This includes ensuring that all wheels, tracks and body surfaces are free of mud and other contaminants before entering onto the sealed road network. Where tracked/dropped material on the road pavement becomes a potential safety issue, the developer will be obliged to clean material off the road in an environmentally responsible manner.

11. 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 ([1TUlanddevelopmentnorth@powerwater.com.au](mailto:1TUlanddevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([1TUpowerconnections@powerwater.com.au](mailto:1TUpowerconnections@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. A "Permit to Work Within a Road Reserve" may be required from the Department of Transport before commencement of any work within the road reserve.
3. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the Building Code of Australia, the *NT Public and Environmental Health Act* and Regulations, the *NT Food Act* and National Food Safety Standards.

**REASONS FOR THE DECISION**

1. The proposed change of use of part of the site to supporting accommodation to facilitate an alcohol mandatory treatment facility is consistent with the purpose of Zone CP (Community Purpose) which is provide for community services and facilities, whether publically or privately owned or operated, including facilities for civic and government administration.
2. 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.
3. Pursuant to section 51(n) of the *Planning Act*, the consent authority must take into account the potential impact on the existing and future amenity of the area in which the land is situated. The proposal complies with the NT Planning Scheme controls and the use is considered suitable for the site and unlikely to compromise the existing and future amenity of the area.

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



ITEM 7  
PA2014/0813

**CHANGE OF USE OF AN EXISTING TENANCY TO MEDICAL CLINIC (DENTAL CLINIC)**

**LOT 5726 (9) FANNIE BAY PLACE, TOWN OF DARWIN**

APPLICANT

**NORTHERN PLANNING CONSULTANTS**

Mr Brad Cunnington (Northern Planning Consultants) and Mr Terry Finocchiaro (owner) attended.

**RESOLVED  
306/14**

That, the Development Consent Authority reduce the car parking requirement for the site by 5 parking bays pursuant to Clause 6.5.2 (Reduction in Parking Requirements), and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 5726 (9) Fannie Bay Place, Town of Darwin for the purpose of a change of use of an existing tenancy to medical clinic (dental clinic), subject to the following conditions:

**CONDITIONS**

1. The works carried out under this permit shall be in accordance with drawing numbers 2014/0813/1 and 2014/0813/2 endorsed as forming part of this permit.
2. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity services to the land shown on the endorsed plan in accordance with the authorities' requirements.
4. Storage and collection for waste disposal bins is to be provided to the requirements of City of Darwin to the satisfaction of the consent authority.
5. The use and development as shown on the endorsed plans must not be altered without the further consent of the consent authority.

**NOTES:**

1. The Power and Water Corporation advise that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and the Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)) should be contacted via email a minimum of one month prior to construction works commencing to determine servicing requirements and the need for upgrading of infrastructure.
2. The Department of Health advises that any x-ray room and apparatus will require its own certificate of compliance for registration purposes and all appropriate radiation licences will need to be applied for and issued before the practice is built.

3. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites in the Northern Territory. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
4. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to Council.

#### **REASONS FOR DECISION**

1. The proposed development is consistent with the purpose of Zone C (Commercial), which is to provide for a range of business and community uses. The medical clinic (dental clinic) has three consulting rooms and is an appropriate use for the area, and is unlikely to have any negative affect on adjoining or nearby land.
2. A reduction in the number of car parking spaces required by Clause 6.5.1 (Parking Requirements) is supported due to the location and nature of the proposed use. Clause 6.5.2 (Reduction in Parking Requirements) allows the consent authority to approve a use or development with fewer car parking spaces than required if it is satisfied that a reduction is appropriate, having considered (amongst other things) the proposed use of the land. The longer appointment times typically associated with a dental clinic compared to a standard medical clinic use is likely to result in less turnover and waiting times and consequently less parking demand. There is sufficient on-street parking, and the area is of a density that encourages a higher proportion of persons to walk to the site than would be expected in less densely populated suburbs. The area is also reasonably serviced by public transport.

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

**ITEM 8**  
**PA2014/0836**  
**APPLICANT**

**4 X 3 BEDROOM MULTIPLE DWELLINGS IN A 2 STOREY BUILDING**  
**LOT 2899 (16) CHRISTIE STREET, TOWN OF DARWIN**  
**ELTON CONSULTING**

Ms Wendy Smith (Elton Consulting), Mr Hugh Murray and Mr Mathew Anthony (landowners) attended.

Ms Smith tabled turning circles for all four units.

Submitter Mr John Cossons attended.

**RESOLVED**  
**307/14**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 2899 (16) Christie Street, Town of Darwin for the purpose of 4 x 3 bedroom multiple dwellings 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 confirmation from a traffic engineer or other suitably qualified person that sufficient manoeuvring room is provided to allow vehicles to conveniently enter and exit the site in a forward gear as required by Clause 6.5.3 (Parking Layout) of the NT Planning Scheme;
- Fencing details to screen the visitor car parking; and
- Shade landscaping details to soften the appearance of the dwellings.

#### REASON FOR DECISION

1. Pursuant to section 51(a) of the *Planning Act*, in considering a development application, the consent authority must take into account any planning scheme that applies to the land to which the application relates. The NT Planning Scheme applies to the development of Lot 2899. The required additional information is considered necessary in order for a proper assessment of the development to be undertaken, particularly the assessment of how the proposal complies with the requirements of Clause 6.5.3 (Parking Layout).

#### RESOLVED 308/14

That, pursuant to section 86 of the *Planning Act*, the Development Consent Authority delegate to the Chairman, or in the Chairman's absence any one of the other members of the Darwin Division the power under section 53 of the Act, to determine the application to develop Lot 2899 (16) Christie Street, Town of Darwin for the purpose of 4 x 3 bedroom multiple dwellings in a 2 storey building subject to:

- Written confirmation from a traffic engineer or other suitably qualified person that sufficient manoeuvring room is provided to allow vehicles to conveniently enter and exit the site in a forward gear as required by Clause 6.5.3 (Parking Layout) of the NT Planning Scheme;
- Fencing details to screen the visitor car parking; and
- Shade landscaping details to soften the appearance of the dwellings.

**ACTION:** Advice to applicant

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



**DENIS BURKE**  
Chairman

9/12/14

