

**DEVELOPMENT CONSENT AUTHORITY**

**DARWIN DIVISION**

**MINUTES**

**MEETING No. 228 – FRIDAY 20 FEBRUARY 2015**

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

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

**APOLOGIES:** Ross Baynes

**OFFICERS PRESENT:** Margaret Macintyre (Secretary), Sally Cunningham, Adelle Godfrey, Dawn Parkes and Ann-Marie Dooley (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Cindy Robson, Strategic Town Planner (Part Session 2 only)

**Meeting opened at 9.45 am and closed at 1.00 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**                    **CHANGE OF USE FROM WAREHOUSE TO OFFICE AND RESOURCE CENTRE**  
**PA2014/1026**           **SECTION 4433 (64) WINNELLIE ROAD, HUNDRED OF BAGOT**  
**APPLICANT**           **IRWIN CONSULT PTY LTD**

Ms Sandra Howlan (Irwin Consult Pty Ltd), Mr Mervin Brown and Mr Dale Chesson (both from the Uniting Church) and Mr David Dulle attended.

**RESOLVED**  
**39/15**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Section 4433 (64) Winnellie Rd, Hundred of Bagot, for the purpose of change of use from warehouse to office and resource centre, subject to the following conditions:

**GENERAL CONDITIONS**

1. The works carried out under this permit shall be in accordance with the drawings numbered 2014/1026/01 through to 2014/1026/03 endorsed as forming part of this permit.
2. The use and development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
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, sewerage and electricity facilities to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. Before the use of the development starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
  - (a) constructed;
  - (b) properly formed to such levels that they can be used in accordance with the plans;
  - (c) surfaced with an all-weather-seal coat; and
  - (d) drainedto the satisfaction of the consent authority.  
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
6. 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.

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

**NOTES:**

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to Council.

**REASONS FOR THE DECISION**

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

The proposed development is fully compliant with the relevant provisions of the NT Planning Scheme and is considered to accord with the purpose of Zone LI (Light Industry).

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. There is no change to the built form and sufficient off-street car parking is provided.

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 change of use is not expected to impact on the amenity of the area as the changes are mostly confined to the internal area of the building. There will be little noticeable difference of the change in use externally.

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

**ITEM 2**  
**PA2014/0959**  
**APPLICANT**

**CARETAKERS RESIDENCE**  
**LOT 6257 (53 & 59) VANDERLIN DRIVE, TOWN OF NIGHTCLIFF**  
**ABOUT HOMES NT PTY LTD**

Dr Khalid Khan (Vice President Islamic Society of Darwin), Mr Khurram Shahzad (Committee member, Islamic Society of Darwin) and Mr Chowdhury Safaruddin (Islamic Society of Darwin) attended.

**RESOLVED**  
**40/12**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 6257 and Lot 6258 (53 and 59) Vanderlin Drive, Town of Nightcliff, for the purpose of a caretaker's residence, 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 must be generally in accordance with the plans submitted with the application but modified to show:
  - (a) the provision of at least 46 car parking spaces; and
  - (b) continuous landscaping along the Allwright Street boundary on Lot 6257 and the provision of landscaping along the Sarib Street boundary to screen the caretaker's residence.

**GENERAL CONDITIONS**

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. The use and development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
4. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity, to the land shown on the endorsed plan in accordance with the authorities' requirements.
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.
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. Storage for waste disposal bins is to be provided to the requirements of City of Darwin to the satisfaction of the consent authority.
10. 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.
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 ([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 servicing requirements of the Corporation, and the need for upgrading of on-site and/or surrounding infrastructure.
2. The Power and Water Corporation advises that full lot coverage cannot be achieved from existing hydrants. Internal fire-fighting arrangements shall be made to the satisfaction of NT Fire and Rescue.
3. Any floodlighting or security lighting provided on site should be shielded in a manner to prevent the lighting being noticeable or causing nuisance to Vanderlin Drive Road traffic and the residential properties along Allwright Street.
4. 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.
5. 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.
6. The Community Hall is not to be used for accommodation purposes at any time.

## REASONS FOR THE DECISION

1. Despite the small non-compliances with the size of the caretaker's residence and the setback to Sarib Street, the proposed development does not conflict with the primary purpose of zone CP (Community Purpose) and is in line with the purpose of clause 7.10.3 (Caretaker's Residence), in that the proposed caretaker's residence will not be the primary use of the land and is not expected to prejudice the use of the site or adjoining land in accordance with its zoning.
2. Pursuant to Section 51(e) of the *Planning Act*, the consent authority must take into consideration any public submissions made under section 49, and any evidence or information received under section 50, in relation to the development application.

Two public submissions were received which raised a number of concerns with the current operation of the site and the implications that the proposed development would have. 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 or notations on the development permit.

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

The land is considered capable of supporting the proposed development and no physical impact on surrounding land is anticipated. Furthermore, service agencies did not raise any issues in relation to the capability of the land.

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.

If used appropriately, the caretaker's residence should not adversely impact on the existing or future amenity of the area as the site is located close to an existing residential area and the caretaker's residence is located with sufficient setbacks and screening so as to not directly impact on any adjacent development.

5. Condition precedent 1 requiring an amended plan to show the provision of at least 46 car parking spaces and increased landscaping along Allwright Street and Sarib Street has been included to ensure compliance with Clause 6.5.1 (Parking Requirements) and Clause 6.12 (Landscaping). The request for additional landscaping is also to improve the amenity of both the occupants of the caretaker's residence and the opposite neighbours on Allwright Street.

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

ITEM 3  
PA2015/0010  
APPLICANT

**PART CHANGE OF USE TO A RECYCLING DEPOT  
LOT 9228 (11) TANG STREET, TOWN OF NIGHTCLIFF  
REVIVE RECYCLING PTY LTD**

Pursuant to section 97(1) of the *Planning Act*, Mr Grant Tambling a member of the Darwin Division of the Development Consent declared a conflict of interest and was not present and did not take part in any deliberation or decision of the Division in relation to Item 3.

DAS tabled an addendum.

Mr Marcus Flaval (Chief Executive Revive Recycling Pty Ltd) and Mr Harry Andreou (landowner) attended and tabled additional information including a response to the public submissions received.

Submitters who sent their apologies:- Ms Tanya Ray, Ms Shardai Brown and Mr Peter Da Rocha.

Submitters Mr Max & Mrs Juta Griffiths (Darwin Amusements Pty Ltd), Ms Rachel Horne and Garry, Ms Carolyn Marriot and Ms Maria Da Rocha representing her son Mr Peter Da Rocha a submitter who is unable to attend.

Ms Manuela Babl attended as an interested party.

**RESOLVED  
41/15**

That, pursuant to section 46(4)(b) of the *Planning Act*, defer consideration of the application to develop Lot 9228 (11) Tang Street, Town of Nightcliff for the purpose of a part change of use to a recycling depot, to require the applicant to provide the following additional information that the authority considers necessary in order to enable proper consideration of the application:-

- Amended plans which demonstrate 3m of landscaping along the rear boundary of the land to comply with Clause 8.3, in order to provide a visual screen to the development, and to protect the visual and acoustic amenity of adjacent residential uses. The amended plans are to demonstrate that landscaping can be achieved whilst maintaining the integrity of the infrastructure, any openings to access the infrastructure are preserved, and the detail of the proposed landscaping species;
- Amended plans which detail the proposed treatment of the car park area including any surface treatments to reduce the potential for noise from moving vehicles on the site;
- Amended plans which detail the location of any internal building wall which separates the existing warehouse and recycling depot tenancies, plus details of any other noise attenuation features of the building.

**REASON FOR THE DECISION**

1. Pursuant to section 46(4)(b) of the *Planning Act*, the consent authority may defer consideration of an application if it considers additional information is necessary to enable it to consider the application properly. The consent authority believes that additional information is required to confirm that compliance with Clause 8.3 of the NT Planning Scheme can

be achieved, that further details of the proposed surface treatment of the car parking area are necessary and that further details of any noise attenuation measures to separate the existing warehouse and recycling depot are desirable to aid in its consideration of the proposal.

**ACTION:** Advice to the Applicant

**ITEM 4  
PA2014/1002  
APPLICANT**

**DEMOUNTABLE STRUCTURE ADDITION TO AN EXISTING SINGLE DWELLING  
LOT 3888 (30) GRAHAM STREET, TOWN OF DARWIN  
DPL DEVELOPMENTS**

Mr Israel Kgosiemang attended on behalf of the applicant.

Submitter Ms Nicola Jackson attended.

**RESOLVED  
42/15**

That, pursuant to section 53(b) of the *Planning Act*, the Development Consent Authority alter the proposed development and consent to the proposed development as altered to develop Lot 3888 (30) Graham Road, Town of Darwin for the purpose of a demountable structure addition to an existing single dwelling, subject to the following conditions:

#### **CONDITIONS PRECEDENT**

1. Prior to the endorsement of plans and prior to the commencement of use, amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application but modified to show:
  - a. additional screen treatment of the demountable structure to ensure it does not detract from the visual amenity of the area enhances the appearance of the site and enables visual consistency with adjoining or nearby development in order to achieve compliance with Clause 6.8. This may/should be achieved through the provision of landscaping, fencing panels, trellis or similar; and
  - b. further architectural embellishments to the demountable structure.
2. Prior to the endorsement of plans and prior to the commencement of use, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Darwin stormwater drainage system shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority. The plan shall include details of site levels and Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system.

#### **GENERAL CONDITIONS**

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



4. 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 owner of the land must enter into agreements with the relevant authorities for the provision of water supply, stormwater, and sewerage facilities to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
6. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
7. 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.

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

1. The proposal is generally consistent with the requirements of 6.8 (Demountable Structures) and is considered unlikely to cause any adverse effects given the structure proposed will be setback 4.5m and 2.5m from the south eastern and south western boundaries respectively. The setbacks proposed comply with the minimum setbacks specified by the clause and level of compliance achieved suggests that any adverse impacts will be minimised.
2. The requirement for amended plans to be submitted nominating the provision of screening and architectural embellishment to the demountable structure is required to enhance the appearance of the site and to provide improved visual consistency when viewed from adjoining properties and Nudl Street in order to achieve further compliance with Clause 6.8 (Demountable Structures).

#### **ACTION:**

Notice of Consent and Development Permit

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ITEM 5  
PA2014/1030  
APPLICANT

**2 STOREY SINGLE DWELLING WITH REDUCED FRONT AND SIDE SETBACKS  
AND EXCEEDING 8.5M HEIGHT  
LOT 227 (10) COOLIBAH STREET, TOWN OF NIGHTCLIFF  
ROSSI ARCHITECTS**

Mr Rossi Kourounis and Ms Irma Lamaya (Rossi Architects) attended.

Submitter Mr Armanado Padovan attended.

**RESOLVED  
43/15**

That, the Development Consent Authority vary the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme, and pursuant to Section 53(b) of the *Planning Act*, alter the proposed development and consent to the proposed development as altered to develop Lot 227 (10) Coolibah Street, Town of Nightcliff for the purpose of a 2 storey single dwelling with reduced front and side setbacks, subject to the following conditions:

**CONDITIONS PRECEDENT**

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - a. a building height of 8.5m or less; and
  - b. approval, removal, and/or changes to structures located within the sewer easement to the requirements of the Power and Water Corporation.
2. 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.
3. Prior to the commencement of works, a Construction Environmental Management Plan (CEMP) for the management and operation of the use must be prepared to the requirements of an independent suitably qualified professional and submitted to and approved by the consent authority upon the advice of City of Darwin. When approved, the CEMP will be endorsed and will then form part of the permit. The use must at all times be conducted in accordance with the endorsed plan. The CEMP must include:
  - a. overall environmental objectives for the operation of the use and techniques for their achievement;
  - b. procedures to ensure that no significant adverse environmental impacts occur as a result of the use;
  - c. identification of possible risks of operational failure and response measures to be implemented; and
  - d. day to day management requirements for the use.

4. Prior to the commencement of works (including site preparation), a schematic plan demonstrating the on-site collection of stormwater and its discharge into the local stormwater drainage system shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority. The plan shall include details of site levels and stormwater drain connection points.
5. Prior to the commencement of works (including site preparation) a waste management plan in accordance with Council's Waste Management Policy is required to be submitted, to the requirements of the City of Darwin, to the satisfaction of the consent authority.

#### **GENERAL CONDITIONS**

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 to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
8. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
9. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the City of Darwin, to the satisfaction of the consent authority.
10. The owner shall:
  - a) remove disused vehicle and/ or pedestrian crossovers;
  - b) provide footpaths/ cycleways;
  - c) collect stormwater and discharge it to the drainage network; and
  - d) undertake reinstatement works;all to the technical requirements of and at no cost to the City of Darwin, to the satisfaction of the consent authority.
11. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
12. Storage for waste disposal bins is to be provided to the requirements of City of Darwin to the satisfaction of the consent authority.

#### **NOTES:**

1. This development permit does not grant building approval. You are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing construction works.

2. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
3. 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.

### **REASONS FOR THE DECISION**

1. Pursuant to Section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. The proposal is consistent with the purpose of Zone SD (Single Dwelling), being to provide for single dwellings on individual lots.
2. Amended plans are required to be submitted by the applicant to reduce the overall height of the dwelling to 8.5m or less and address concerns raised by the Power and Water Corporation in relation to the proposed pergola, blockwork fence and pool filter located within the sewerage easement at the rear of the property, to the requirements of the service authority.
3. A variation to the requirements of clause 7.3 (Building Setbacks of Residential Buildings) for a 2 storey dwelling with reduced front and side setbacks is considered acceptable in this instance given:
  - a. the variations proposed is considered compatible with the streetscape and broader locality;
  - b. the affects of building massing when viewed from the eastern boundary is considered acceptable given the location of the existing dwelling and carport on the adjacent parcel, Lot 226; and
  - c. the dwelling is generally compatible with the streetscape and a variation to this Clauses will not result in any undue overlooking to adjacent properties.

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

ITEM 6  
PA2014/1003  
  
APPLICANT

**13 X 2 BEDROOM MULTIPLE DWELLINGS IN A 3 STOREY BUILDING  
INCLUDING GROUND LEVEL PARKING  
LOT 2647 (23) GREGORY STREET, TOWN OF DARWIN  
BELL GABBERT ASSOCIATES PTY LTD**

Mr Mark Bell (Bell Gabbert Associates Pty Ltd) attended.

Submitter Mr Frank May attended.

**RESOLVED  
44/15**

That, the Development Consent Authority vary the requirements of Clause 7.3 (Building Setbacks of Residential Buildings), Clause 7.3.1 (Additional Setback Requirements for Residential Buildings longer than 18m and for Residential Buildings Over 4 Storeys in Height), Clause 7.4 (Building Setbacks and Fencing of Multiple Dwellings and Supporting Accommodation in Zone MR), Clause 7.6 (Communal Open Space) and 7.7 (Landscaping for Multiple Dwellings, Hostels and Supporting Accommodation) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 2647 (23) Gregory Street, Town of Darwin for the purpose of 13 x 2 bedroom multiple dwellings in a 3 storey building including ground level parking, 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 generally in accordance with the plans submitted with the application but modified to show:
  - a. the required 3m setback from the Elsey Street frontage for the ground level shade sails and carport structure as per Clause 7.4 (Building Setbacks and Fencing of Multiple Dwellings and Supporting Accommodation in Zone MR); and
  - b. the required separation distance between the electricity easement and water mains/ hydrant booster as required by the Power and Water Corporation.
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare an Environmental Construction Management Plan (ECMP), to the requirements of the City of Darwin, to the satisfaction of the consent authority. The ECMP is to address how construction will be managed on the site, and is to include details of the haulage of excavated and new materials, traffic management for construction vehicles, fencing and hours of construction.
3. Prior to the commencement of works (including site preparation), the applicant is to prepare a schematic plan demonstrating all stormwater to be collected on the site and discharged underground to Council's stormwater drainage system, to the requirements of City of Darwin and to the satisfaction of the consent authority.

4. Prior to the commencement of works (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 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**

6. The works carried out under this permit shall be in accordance with drawing numbers 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 facilities and electricity to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
8. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
9. The kerb crossings 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 crossings;
  - b) collect stormwater and discharge it to the drainage network; and
  - c) undertake reinstatement works;all to the technical requirements of and at no cost to the City of Darwin, to the satisfaction of the consent authority.
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) line marked to indicate each car space (where appropriate); and
  - e) drained;to the satisfaction of the consent authority.  
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
12. The car parking shown on the endorsed plan(s) must be available at all times for the exclusive use of the occupants of the development and their guests.

13. Before the use/occupation of the development starts the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
14. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
15. 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.
16. 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.
17. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.

#### NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](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 Power and Water Corporation advise that:
  - The existing easement located on Lot 2647 is still required. Consent will be required for any proposed encroachments over this easement;
  - There is essential sewer infrastructure within Lot 2647 and the developer is advised to take all necessary precautions including seeking direction from geotechnical experts to ensure the surrounds and foundations of PWC's assets are not undermined during construction.
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. A "Permit to Work Within a Road Reserve" may be required from the City of Darwin before commencement of any work within the road reserve.
5. The Department of Transport advise that the bus stop opposite the development (Stop #527) is to be kept clear of all parked vehicles/ trailers and construction equipment so as not to disrupt operation of public transport.
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) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.

## **REASONS FOR THE DECISION**

1. Lot 2647 (23) Gregory Street, Town of Darwin is located within Zone MR (Medium Density Residential) of the NT Planning Scheme. The purpose of Zone MR is to provide for a range of housing options to a maximum height of four storeys above ground level, or three storeys in the case of this particular site. In this zone, the availability or future availability of services, size of lots and proximity to major roads, schools and other community facilities should be sufficient to support multiple dwelling residential development. The scale, character and architectural style of infill development in this zone should also be compatible with the streetscape and surrounding development.

The application proposes a 3 storey residential building within an area that is characterised by a mix of elevated single dwellings and 3 to 4 storey buildings consistent with the areas mixed zoning. The proposed 3 storey building is considered typical of the scale and style of the newer developments in the area on Zone MR land with ground level car parking and 2 to 3 residential storeys above and consistent with the scale and style of development reasonably anticipated given the existing zoning and proximity to quality community facilities including shops, education establishments, recreation facilities, major roads and public transport.

2. A variation to Clauses 7.3 (Building Setbacks of Residential Buildings) and 7.3.1 (Additional Building Setback Requirements for Residential Buildings longer Than 18 metres and for Residential Buildings Over 4 Storeys in Height) to allow the development to have reduced setbacks to the Gregory Street frontage and both the northern and eastern side boundaries is considered acceptable as:
  - The design is considered to be well articulated through inclusion of frequent windows and architectural features that minimise the visual bulk of the building. The balconies are integrated into the design of the building and include open balustrades that further reduce any visual bulk when viewed from the street and adjoining properties. The combination of building materials and colours used is likely to further reduce any visual bulk by adding interest to the building as viewed from the street and the carport roof extension that projects from the ground level ceiling



further contributes to the building's appearance and helps to screen any pipes, lights or other fixtures on the underside of the building. The non-compliance created by the placement of the ground level shade sails to the side boundaries is not considered to contribute any significant bulk to the building given the light-weight design typical of shade sails and will further aid in screening any visible services located underneath the building.

- In terms of compatibility with the streetscape and surrounding development, the proposed building is likely to be viewed as significantly less bulky than a number of surrounding developments due to the design which includes only 3 storeys instead of the 4 storey design typical of a number of nearby properties.
  - The proposed design is considered to respond well to the constraints imposed by the proximity of Zone SD land and respects the additional requirements imposed on the development. Minor amendments to the design will ensure full compliance is achieved.
3. A variation to Clause 7.4 (Building Setbacks and Fencing of Multiple Dwellings and Supporting Accommodation in Zone MR) to allow a reduction in the required landscaping buffer to Elsey Street is acceptable in this case acknowledging that the area is to be finished with solid 1.8m high fencing and landscaping which is considered consistent with the purpose of the clause which is to minimise the visual and acoustic impact of multiple dwellings and supporting accommodation where the land is adjacent to land in Zone SD. The combination of landscaping and solid fencing is expected to achieve a comparable level of visual and acoustic screening as would be expected of a fully compliant landscape buffer.
  4. A variation to Clause 7.6 (Communal Open Space) is considered appropriate in this instance as:
    - the development proposes an overall density that is consistent with the Scheme's density provisions having considered the size of the site and capability of the land. The site is within reasonable walking distance to a number of private and public communal spaces including shops, markets, restaurants, parks, organised recreation and a public pool;
    - All dwellings are provided with the required amount of private open space required by the Scheme. In addition, the ground level dwelling has double the required private open space required by the Scheme which is likely to reduce the onsite communal open space demands for the development as the needs of residents of this dwelling will generally already be catered for within their own yard space; and
    - The overall size, design and activities provided for on the site are considered suitable for the density and style of development proposed.
  5. A variation to Clause 7.7 (Landscaping for Multiple Dwellings, Hostels and Supporting Accommodation) to allow a 22m<sup>2</sup> onsite landscaping shortfall is considered acceptable as the landscaping provided still achieves the purpose of the clause despite the minor non-compliance. The landscaping provided is expected to complement and enhance the streetscape, will be attractive and pleasant and will contribute to a safe

environment. The landscaping choice is considered to respond well to the specific needs of the site and focuses taller screen planting along the Eley Street frontage where it is most needed and more compact screen planting along the Gregory Street frontage where an activated frontage is more appropriate. The design also provides landscaping around the base of the building which softens the development's appearance when viewed from adjoining land and offers additional screening of any visible service infrastructure fixed to the car park ceiling. The trivial department from the Scheme requirements (i.e. 22m<sup>2</sup> shortfall) in this case is considered a special circumstance to justify the variation to this clause.

6. The requirement to provide amended plans will ensure compliance with the Power and Water Corporation's standards in relation to separation distances between service infrastructure.
7. Submission of documentation required by condition precedent 2, 3, 4 and 5 will ensure the site is serviced adequately and the inclusion of standard conditions 6 – 17 will aid in ensuring that the development occurs in a manner that is efficient but also minimises any adverse impacts on users/occupants of surrounding land.

**ACTION:** Notice of Determination

**ITEM 7**  
**PA2014/1024**  
**APPLICANT**

**SUBDIVISION TO CREATE 2 LOTS**  
**LOT 5030 (48) CAVENAGH STREET, TOWN OF DARWIN**  
**ELTON CONSULTING**

Ms Valerie Conway and Ms Wendy Smith (Elton Consulting), Mr Zac Neth and Mr Tom Karvonen (Thinc Project Management) and via phone Mr Chris Pratt (General Manager, Alfasi Property Development Pty Ltd) attended.

**RESOLVED**  
**45/15**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 5030 (48) Cavenagh Street, Town of Darwin for the purpose of subdivision to create 2 lots, subject to the following conditions:

#### **GENERAL CONDITIONS**

1. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
2. Before the issue of titles a development permit for the future use and development of proposed 'Lot A' as a mixed use development must be granted.
3. Before the issue of titles, a restrictive covenant shall be lodged with the Registrar General for notation on the titles of all lots shown on the endorsed drawings. The restrictive covenant shall bind the land owners and any successors in title, and prohibit any building works without first obtaining the permission of the other land owner to ensure that those works achieve the structural integrity and fire safety requirements to provide for the continued,

safe occupation of the building or any future building on the land. Evidence of lodgement shall be provided 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, and electricity services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. 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.

#### **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.

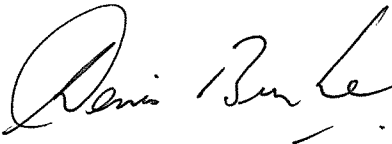
#### **REASONS FOR THE DECISION**

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. There are no Part 5 requirements of the Northern Territory Planning Scheme that relate to the subdivision of land in Zone CB and the subdivision is not expected to prevent the future use of the land in providing for its intended purpose.
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 Water Services and Power Networks divisions of the Power and Water Corporation have provided that the subdivision of the land can be completed with the realignment of service connections undertaken subsequent to the issue of titles, based on legal and financial agreements, to service to future development of built form at the site.
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,

including in relation to the structural integrity and fire safety of the building. A restrictive covenant is proposed to be notated on the titles created through the subdivision binding the land owners and any successors in title, and prohibiting any building works without first obtaining the permission of the other land owner to ensure that those works achieve all structural integrity and fire safety requirements. This mechanism is expected to adequately provide for the continued, safe occupation of the building and that any future building works will be coordinated and ensure continued public safety.

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

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



**DENIS BURKE**  
Delegate

2 /3/15