

DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

HEARING No. 237 – FRIDAY 8 AUGUST 2014

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

MEMBERS PRESENT: Grant Tambling (P/Chairman), Grant Tambling, Robin Knox and Bob Elix

APOLOGIES: Ross Baynes and Garry Lambert

OFFICERS PRESENT: Nicole Negrete (A/Secretary), Linda Henning, Dawn Parkes and Adelle Godfrey

COUNCIL REPRESENTATIVE: Nil

Hearing opened at 9.45 am and closed at 10.15

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 **9 X 2 BEDROOM MULTIPLE DWELLINGS IN A 4 STOREY BUILDING WITH**
PA2014/0466 **GROUND LEVEL CAR PARKING**
APPLICANT **LOT 4915 (14) GREVILLEA CIRCUIT, TOWN OF NIGHTCLIFF**
ROSSI ARCHITECTS

Mr Rossi Kourounis, Mr Brody McDonald (Applicants) and Brad Cunnington (Northern Planning Consult) attended.

Mr Robert Elcoate, Ms Carole Sweaney, Ms Elizabeth Creed, Mr Mark Barriball, Ms Maree Hatzismalis (Submitters) attended.

Ms Heather Cook and Ms Vicky Chandler (Submitters) sent their apologies.

Brad Cunnington (Northern Planning Consult) tabled a report.

RESOLVED That, pursuant to section 53(a) of the Planning Act, the Development Consent
183/14 Authority consent to the application to develop Lot 4915 (14) Grevillea Circuit, Town
of Nightcliff, for the purpose of 9 x 2 bedroom multiple dwellings in a 4 storey
building with ground level car parking, subject to the following conditions:

CONDITIONS PRECEDENT:

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) the location of the 4m x 3.5m electricity easement, as approved by Power and Water.
2. Prior to the endorsement of plans and prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Darwin stormwater drainage system shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority. The plan shall include details of site levels and Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system.
3. Prior to the commencement of works (including site preparation), the applicant is to prepare an Environmental Construction Management Plan (ECMP), to the requirements of the City of Darwin, to the satisfaction of the consent authority. The ECMP is to address waste management, storm water drainage, how construction will be managed on the site, and is to include details of the haulage of excavated and new materials, parking of construction vehicles and traffic management for construction vehicles.

4. Prior to the commencement of works (including site preparation), a waste management plan addressing the City of Darwin's Waste Management Policy 054 must be prepared to the requirements of the City of Darwin, to the satisfaction of the consent authority.
5. Prior to the commencement of works (including site preparation), a detailed plan indicating the species of trees to be retained and removed from within Council's road reserve must be prepared to the requirements of the City of Darwin, to the satisfaction of the consent authority.

GENERAL CONDITIONS:

6. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
7. The use and development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
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 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.
10. 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.
11. 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.
12. 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.

13. 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.
14. 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.
15. Prior to any works conducted in City of Darwin's road verge the design and specification for landscaping on the road verges adjacent to the property shall be submitted to the City of Darwin for approval, to the satisfaction of the consent authority.
16. 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.
17. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
18. Storage for waste disposal bins is to be provided to the requirements of City of Darwin to the satisfaction of the consent authority.
19. All 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.
20. All air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view and from view of neighbouring or nearby developments (or developments reasonably anticipated), located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority. The use of angled louvered slats for screening purposes is acceptable, however the slat screening must be designed with a panel to gap ratio, such that the condenser units are not readily visible from any angle.
21. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the consent authority.
22. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the relevant service authority, to the satisfaction of the consent authority.
23. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

24. Sensor lighting must be installed in the ground level car park and located so as to prevent any adverse effect on adjoining land to the satisfaction of the consent authority.

NOTES:

1. This permit will expire if one of the following circumstances applies:
 - a. the development is not started within two years of the date of this permit; or
 - b. the development is not completed within four years of the date of this permit.
The consent authority may extend the periods referred to if a request is made in writing before the permit expires.
2. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from Department of Land Resource Management.
3. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
4. City of Darwin advise that:
 - a. a tree protection zone (TPZ) shall be constructed for all existing trees to be retained within the development, in accordance with Australian Standards; 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
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 RECOMMENDATION

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 9 x 2 bedroom multiple dwellings in a 4 storey building with ground level car parking is consistent with the primary purpose of Zone MR (Medium Density Residential), which is to provide for a range of housing options to a maximum height of four storeys above ground level. Furthermore, the proposed development is fully compliant with the relevant provisions of the NT Planning Scheme.
2. Pursuant to Section 51(e) of the Planning Act, the consent authority must take into consideration any submissions made under section 49, and any evidence or information received under section 50, in relation to the development

application. 12 public submissions were received including a petition containing 66 signatures. The main concerns related to the development's density, height, parking provision, servicing requirements and amenity of the area. The proposed development is fully compliant with the provisions of the NT Planning Scheme and service authorities have not raised any objections.

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 proposed density is compatible with the density requirements of the Scheme and consistent with the planned provision of development in zone MR. The Department of Land Resource Management did not identify any issues of concern with land capability.
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. It is reasonable to expect that the proposed development will impact on the existing amenity of the area in terms of increased traffic and a higher density of living than the area is used to. In saying this, these are matters that were considered during the initial zoning of the land and it was determined that the subject lot is considered capable of supporting a medium density development. The proposed development is fully compliant with the relevant provisions of the NT Planning Scheme which will ensure that any potential impact on the existing or future amenity of the area is minimal.
5. Pursuant to section 51(m) of the Planning Act, the consent authority must take into account the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose. Condition Precedents on the development permit require: a schematic stormwater management plan, an environmental construction management plan and a waste management plan. It is anticipated that these measures, combined with standard conditions relating to the connection and upgrade of utility services and the provision and treatment of easements, are expected to ensure that the land is developed in accordance with physical capabilities; address concerns raised by service authorities; and, ensure utility and infrastructure requirements are appropriately addressed.
6. Amended plans have been requested to show the approved location of the necessary electricity easement to ensure that it does not impact on the approved design of the development.
7. The City of Darwin have requested a detailed plan identifying the location and species of trees that are to be retained and removed to ensure that the required approvals are sought for any vegetation removal within the road reserve.

ACTION: Notice of Consent and Development permit

**ITEM 2
PA2014/0447**

**WAREHOUSES AND SHOWROOM SALES WITH ANCILLARY OFFICES IN A
SINGLE STOREY BUILDING EXCEEDING 8.5M IN HEIGHT
SECTIONS 5466, 5467 & 5468 (43), (45) & (47) BENISON ROAD,
HUNDRED OF BAGOT
APPLICANT
GEORGE SAVVAS**

Mr George Savvas (Applicant) Attended

**RESOLVED
184/14**

That, the Development Consent Authority vary the requirements of Clause 6. (General Height Control) and Clause 9.1.1 (Industrial Setbacks) of the NT Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application to develop Section 5466 (43) Benison Rd, Section 5467 (45) Benison Rd and Section 5468 (47) Benison Rd, Hundred of Bagot, for the purpose of warehouses and showroom sales with ancillary offices in a single storey building exceeding 8.5m in height, subject to the following conditions:

CONDITIONS PRECEDENT:

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) The provision of bicycle parking in the car park; and
 - b) Shading of the ground floor windows of Building 1.
2. Prior to the endorsement of plans and prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Darwin stormwater drainage system shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority. The plan shall include details of site levels and Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system.
3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare an Environmental Construction Management Plan (ECMP), to the requirements of the City of Darwin, to the satisfaction of the consent authority. The ECMP is to address waste management, traffic control, haulage routes, storm water drainage, use of City of Darwin land and how this land will be managed during the construction phase.

4. Prior to the commencement of works an Erosion and Sediment Control Plan (ESCP), including details and location of stormwater drains, is to be prepared to the requirements of an independent suitably qualified professional and submitted to and approved by the consent authority on the advice of the Department of Land Resource Management, and an endorsed copy of the Plan will form part of this permit. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the satisfaction of the consent authority.

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. Sections 5466, 5467 and 5468 must be consolidated. An Occupancy Permit under the Building Act must not be issued until all land affected by the development has been consolidated and a new title issued for the consolidated lot.
7. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
8. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities arrangements to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
9. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of City of Darwin, to the satisfaction of the consent authority. And the owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways;
 - (c) collect stormwater and discharge it to the drainage network; and
 - (d) undertake reinstatement works;all to the technical requirements of and at no cost to the City of Darwin, to the satisfaction of the consent authority.
10. Before the use or occupation of the development starts, the area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat;
 - (d) drained;
 - (e) line marked to indicate each car space and all access lanes; and
 - (f) clearly marked to show the direction of traffic along access lanes and driveways; to the satisfaction of the consent authority.
11. The car parking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their visitors.

12. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
13. Before the use/occupation of the development starts the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
14. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
15. Before the use/occupation of the development starts, a Waste Management Plan addressing the City of Darwin's Waste Management Policy 054 must be prepared to the requirements of the City of Darwin, to the satisfaction of the consent authority.
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. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

NOTES:

1. This permit will expire if one of the following circumstances applies:
 - a) the development is not started within two years of the date of this permit; or
 - b) the development is not completed within four years of the date of this permit.The consent authority may extend the periods referred to if a request is made in writing before the permit expires.
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
3. The Power and Water Corporation advises that:
 - The developer will need to contact Power and Water's Trade Waste department to discuss trade waste requirements and obtain preliminary approval of the concept design.
 - The developer will need to make an application to discharge trade waste to Power and Water's sewerage system. Construction drawings, site plans, specifications and other relevant details must be submitted as attachments to the Power and Water application form.
4. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to Council.

5. Notwithstanding the approved plans, any proposed works (including landscaping and structures) within Council's road reserve and Council land is subject to Council's approval and shall meet all Council's requirements, to the satisfaction of the General Manager of Infrastructure, City of Darwin and at no cost to Council.
6. City of Darwin advises that a Tree Protection Zone (TPZ) shall be constructed for all existing trees to be retained within the development, in accordance with Australian Standards – AS 4970-2009 Protection of Trees on Development Sites.
7. 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.
8. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development is available from Department of Land Resource Management.

REASONS FOR THE RECOMMENDATION:

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

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

A variation to Clause 6.1 (General Height Control) is supported in this instance as:

- the parts of the buildings that exceed 8.5m in height are limited to the pitch of the roofs which are located in the centre of the buildings and are well set back from the street frontages and surrounding development;
- the parts of the building (showrooms) that front Benison Road are within the 8.5m height limit and present attractively to the street, providing some distraction from the warehouses behind; and
- the parts of the roofs that are over height are not considered to be overbearing on the surrounding development or streetscape, and the proposed buildings are considered to still be of a height that is consistent with development provided for by Zone LI (Light Industry).

A variation to Clause 9.1.1 (Industrial Setbacks) is supported in this instance as a 2m setback at 3.4m high is not considered to compromise the achievement of the objectives of this clause. The required 3m setback is still achieved at ground level and the articulation of the building, together with the treatment of the façade protects the visual amenity of the development. Furthermore, it is predominately glazing that make up the parts of the building that encroach the

setback requirement, which will have minimal impact due to the transparent nature of the material.

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

The land is generally flat and anticipates a development such as the one being proposed. Service authorities did not raise any particular land capability concerns with the development hereby being proposed and therefore there does not appear to be any reasons to suggest that the land is not capable of supporting the proposed development.

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

Given that the proposed development of warehouses and showrooms is consistent with the type of development that already exists and can be expected in the surrounding area, the potential impact on the existing or future amenity of the area is considered to be minimal. Where the development does not comply with the relevant clauses of the NT Planning Scheme, the impact on existing and future amenity has been considered and a variation has only been supported in cases where this amenity will not unduly be impacted upon.

4. Pursuant to section 51(m) of the Planning Act, the consent authority must take into account the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose.

Condition Precedents on the development permit require: a schematic stormwater management plan, an environmental construction management plan and an erosion and sediment control plan. It is anticipated that these measures, combined with standard conditions relating to the connection and upgrade of utility services and the provision and treatment of easements, are expected to ensure that the land is developed in accordance with physical capabilities; address concerns raised by service authorities; and, ensure utility and infrastructure requirements are appropriately addressed.

5. Sections 5466, 5467 and 5468 need to be consolidated to ensure compliance with the Building Code of Australia.

ACTION: Notice of Consent and Development permit

ITEM 3
PA2014/0427

**3 STOREY SINGLE DWELLING EXCEEDING 8.5 METRES IN HEIGHT WITH
REDUCED FRONT AND SIDE SETBACKS.**

APPLICANT

LOT 5925 (13) HICKEY COURT, TOWN OF DARWIN
ABP PERMITS PL

Mr Chris Lovewell (ABP Permits PL) attended

RESOLVED
185/14

That, the Development Consent Authority vary the requirements of Clause 7.1.2 (Residential Height Limitations) and 7.3 (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 5923 (13) Hickey Court, Larrakeyah for the purpose of a three storey single dwelling exceeding 8.5m in height with reduced front and side setbacks, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a 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.
2. Prior to the commencement of works (including site preparation), the applicant is to prepare an Environmental Construction Management Plan (ECMP) to the requirements of the City of Darwin, to the satisfaction of the consent authority. The ECMP is to address how construction will be managed on the site, and is to include details of waste management, traffic control and haulage routes, and the use of City of Darwin land.

GENERAL CONDITION:

3. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
4. 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.
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. 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.

7. 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 , (insert relevant Council or the Department of Lands, Planning and the Environment), to the satisfaction of the consent authority.
8. Storage for waste disposal bins is to be provided to the requirements of City of Darwin of Darwin to the satisfaction of the consent authority.
9. All air conditioning condensers are to be appropriately screened from public view, located s 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.
10. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
11. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into City of Darwin drains or to any watercourse.

NOTES:

1. 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. This permit will expire if one of the following circumstances applies:
 - (a) the use is not started within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.The consent authority may extend the periods referred to if a request is made in writing before the permit expires.
3. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
4. 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 Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency's Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
6. The City of Darwin advises that designs and specifications for landscaping of the road verge adjacent to the property shall be submitted for approval by the General Manager Infrastructure, City of Darwin, and all approved works shall be constructed at the applicant's expense, to the requirements of the City of Darwin.
7. City of Darwin advises that sediment control measures are to be established and maintained, to prevent silt and sediment escaping the site or producing erosion.
8. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development is available from the Department of Land Resource Management.

REASONS FOR THE RECOMMENDATION:


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. A variation to the requirements of Clause 7.1.2 (Residential Height Limitations) for a 3 storey dwelling is considered acceptable in this instance given the building presents as a 2 storey dwelling to Hickey Court and the basement level is unlikely to be apparent from adjoining properties with the 3 storey appearance limited to the rear boundary only (Cullen Bay marina), given the topography of the land, and given the dwelling is compatible with adjacent and nearby existing development and with development which can be reasonably anticipated in the locality. Further, a variation to enable a maximum height of 8.75m is considered acceptable given the area of non-compliance is minor, relates to a portion of the roof only and will not cause undue impacts to nearby properties.

3. A variation to the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) is considered acceptable, given the previous planning policy for the Cullen Bay Estate which enabled surrounding properties to be built with reduced setback requirements to those now prescribed, and the general compliance of the proposal with those requirements. Further, the front setback variation is considered appropriate as the non-compliance relates to the south-eastern corner of the building only and occur due to the angle of the front boundary, given the majority of the building complies with the front setbacks which reduce the overall scale of the development when viewed from Hickey Court, are as the building is compatible with the streetscape and existing front setback variations which occur along Hickey Court. The side setback variation to the north-western boundary is consistent with development which has occurred in the locality, is unlikely to cause direct overlooking to the adjacent property, and is unlikely to cause adverse views of building massing or to restrict breeze penetration, and as such there is not expected to be undue overlooking to the adjacent property.

ACTION:

Notice of Consent and Development permit

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


GRANT TAMBLING
/ Delegate

15 /08/14