



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 159 – FRIDAY 19 NOVEMBER 2010

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

MEMBERS PRESENT: Peter McQueen (Chairman), Grant Tambling, David Hibbert, Heather Sjoberg and Bob Elix

APOLOGIES: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), Doug Lesh and for part of the meeting Steven Conn and Hanna Stevenson (Development Assessment Services)

COUNCIL REPRESENTATIVE: Apology

Meeting opened at 9.00 am and closed at 12 noon

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 **8 X 2 MULTIPLE DWELLINGS IN A 3 STOREY BUILDING**
PA2010/1198 **INCLUDING GROUND LEVEL CAR PARKING**
LOT 4911 (22) GREVILLEA CIRCUIT, TOWN OF NIGHTCLIFF
APPLICANT **JOHN & EVDOKIA KYPREOS**

DAS tabled an addendum.

Mr Savvas Savvas (PA Group Pty Ltd) attended on behalf of the applicant.

Submitters who attended:-

Mr Mark Austin (partner of Carlos Puig submitter) - tabled photos;

Mr Carlos Puig;

Ms Pamela Mills - tabled a petition (eight pages);

Ms Vicky Chandler; and

Mr Robert Smith.

RESOLVED
315/10

That the Development Consent Authority determine to 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 4911 (22) Grevillea Circuit, Town of Nightcliff for the purpose of 8 x 2 bedroom multiple dwellings in a 3 storey building including ground level carparking, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the commencement of works (including site preparation) a full set of amended plans 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 must be provided, and be generally in accordance with the plans submitted with the application but modified to show:
 - (a) A schematic plan to demonstrate how stormwater will be collected on the site and discharged to Council's stormwater drainage system, to the requirements of Darwin City Council, to the satisfaction of the consent authority;
 - (b) Provision of a tap and drain connected to the sewer is required to be supplied to the bin enclosure, in accordance with Council's Waste Bin Policy, to the requirements of Darwin City Council, to the satisfaction of the consent authority;
 - (c) Any construction on or adjacent to the sewerage easement at the southern/ rear end of the site shall be in accordance with the requirements of the Connection

Code of the Power and Water Corporation, to the satisfaction of the consent authority;

- (d) The provision of a landscaping plan for the ground level, which is to include a planting schedule specifying plant species, quantities, pot sizes and size at maturity for all plants to be provided on site, with specific consideration given to screening to the front and rear boundaries, to the satisfaction of the consent authority; and
- (e) 3 car parking spaces nominated on the plans as visitor spaces.

GENERAL CONDITIONS

- 2. Works carried out under this permit shall be in accordance the plans 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 facilities and electricity, gas and telecommunications services to the land shown on the endorsed plan in accordance with the authorities' requirements.
- 5. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the Council, to the satisfaction of the consent authority.
- 6. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of, and be at no cost to Darwin City Council, to the satisfaction of the consent authority.
- 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, Darwin City Council, and to the satisfaction of the consent authority.
- 8. Before the use or occupation of the development starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat; and
 - (d) drained;to the satisfaction of the consent authority.

Car spaces, access lanes and driveways must be kept available for these purposes at all times, with no boom gate or access barrier in place.

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. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
11. 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.
12. 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.
13. All air-conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed to ground level in a controlled manner to the satisfaction of the consent authority.
14. 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.
15. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council, to the satisfaction of the consent authority.
16. Construction activity may only occur between the hours of 7am and 6:30pm Monday to Friday and 7:30am to 5:30pm on Saturday or Sunday.

NOTES:

1. Darwin City Council advises that any landscaping works within Council's road reserve are subject to Council's approval, and shall meet Council's requirements to the satisfaction of the General Manager of Infrastructure, Darwin City Council, and be at no cost to Council.
2. Darwin City Council advises that, in no circumstances will the temporary storage of garbage and recycling waste bins on Council's road reserve for servicing purposes be permitted. The bins must always be serviced from the designated waste storage area within the property, with collection vehicles only permitted to enter and exit the property in a forward gear.
3. The electricity easement will need to be registered with the Land Titles Office, to the benefit of the Power and Water Corporation.

REASONS FOR THE DECISION

1. The proposal to develop and use the site for the purpose of 8 x 2 bedroom multiple dwellings in a 3 storey building including ground level carparking 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" and the development is considered to be of a "scale, character and architectural style [that is] compatible with the streetscape and surrounding development".
2. A variation to Clause 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme is supported as the side and rear setbacks meet the standard setbacks of Clause 7.3, with the non-compliance for the 3 storey component of the building only resulting from the length/ width of the building. Special circumstances have been identified justifying the granting of a variation in this regard as the rear component of the building is separated by approximately 9.1m to the building on Lot 4919, and the side elevations show the overall development split largely into two portions (ie. those facing to the street, and those facing south) by a 2.0m wide open lobby/ breezeway. This lobby space and the differing designs of the northern and southern components effectively reduce the visual mass of the built form, and allow for greater cross-ventilation through the building and to the units.
3. A variation to Clause 7.3 to allow the storage units along the eastern side of the carpark to be located on the property boundary, rather than 1.5 metres as required is supported as the units will only have a height of 2.4 metres and as such will appear little different than a standard 1.8m high block work wall when viewed from the adjoining property.
4. As outlined in detail within Section 6(a) of the Development Assessment Services report, having regard for the purpose of Clause 7.3, a variation to the requirement of Clause 7.3 to allow a reduced front setback of 5.5 metres is supported as the location of the building demonstrates compatibility with the streetscape and surrounding development, and any adverse impacts as a result of building mass or overlooking are unlikely.
5. In summary, the special circumstances identified for a variation to the requirements of Clause 7.3 relate to the degree of articulation provided, especially to the side boundaries, the lack of impact on surrounding lots or the streetscape, and the compatibility with the setbacks of existing developments in the surrounding area.
6. The proposed development is largely compliant with the relevant controls, presents a considered design, and takes into account the potential impact on the street and locality. The development provides an excess of carparking, meets the density control, and provides good landscaping, especially to the street.

7. The development is appropriate for the site and locality. It is adjacent to 2 x 3 storey buildings and 1 x 4 storey building, and located within Zone MR (Medium Density Residential). Consideration has been given to the streetscape and nearby SD (Single Dwelling Residential) land.
8. Having given consideration to all submissions received, including those received as a result of the circulation of the revised plans, and having considered the verbal testimony provided at the meeting, the consent authority has concluded that the proposed development is a reasonable introduction to the site and locality, and is unlikely to have any adverse impact on the residential amenity of the area.
9. Restrictions on the hours of construction have specifically been imposed by the consent authority in recognition of the built up character of the immediate locality, in order to minimise any adverse impacts on the residential amenity of the area during construction.
10. Having given consideration to the planning principles outlined in clause 4.0 (Planning Principles and Framework) of the NT Planning Scheme, the consent authority has determined the development to be consistent in this regard. In particular, it has been concluded that the development is consistent with the principle as outlined in clause 4.1(e) of the NT Planning Scheme, being to "ensure development does not unreasonably intrude on or compromise the privacy of adjoining residential uses and ensures its amenity is not comprised in the future."

ACTION: Notice of Determination

**ITEM 2
PA2010/1238
APPLICANT**

**SINGLE DWELLING WITH REDUCED FRONT AND SIDE SETBACKS
LOT 7808 (6) NOTLEY PLACE, TOWN OF DARWIN
JOHN PIRES DA COSTA & VANESSA FARMER**

Mr John Pires da Costa, Ms Vanessa Farmer, Mr Hully Liveris (Hully Liveris Design) and Mr Neville Jones (Neville Jones Services) attended.

Mr Jones tabled further information including a response to the submission.

**RESOLVED
316/10**

That the Development Consent Authority vary the requirements of Clause 7.3 (Building Setbacks for Residential Buildings) and 7.10.4 (Dependant Units) of the NT Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 7808 (6) Notley Place, Town of Darwin for the purpose of constructing a single dwelling (including a dependant unit exceeding 50m² in floor area) with reduced front and side setbacks subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with drawings PA2010/1238/1 and 2010/1238/2 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 and telecommunication services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) collect stormwater and discharge it to the drainage network; and
 - (c) undertake reinstatement works;all to the technical requirements of and at no cost to the Darwin City Council, to the satisfaction of the consent authority.
5. 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; and
 - (d) drained;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. All air conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on the neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
8. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council, to the satisfaction of the consent authority.
9. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
10. The dependant unit is to be used only for the purpose of providing accommodation for a dependant of a resident of the existing single dwelling.

NOTES:

1. This development permit does not grant "building approval" for the proposed structure. The Building Code of Australia requires that any structure within 900mm of a boundary meets minimum fire resistance level requirements and

you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing demolition or construction works.

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

REASONS FOR THE DECISION

1. A variation to Clause 7.3 (Building Setbacks of Residential Buildings and Pergolas, Carports and the Like) of the NT Planning Scheme is supported as:
 - the application proposes an innovative design of a series of structures and outdoor spaces;
 - the design is sympathetic to the approved developments on the two neighbouring lots on the northern and southern boundaries of the property and all three site layouts work with one another to provide consistency along the streetscape;
 - the development on the southern side boundary line is for a small 8m portion of the lot and is only one storey with a block wall proposed along that section so that there are no issues with overlooking into the neighbouring property and visual mass impacts are limited;
 - the site is located within a new subdivision in which all lots are vacant and no negative impacts to the future development of the area are expected; and
 - at the time of subdivision, other neighbouring lots to the rear of the property were granted zero lot line side setbacks.

ACTION: Notice of Consent and Development Permit

ITEM 3
PA2010/1129

**6 STOREY COMMERCIAL BUILDING COMPRISING OFFICES AND
GROUND LEVEL SHOPS
LOT 2338 (17) CAVENAGH STREET, TOWN OF DARWIN
ELTON CONSULTING**

APPLICANT

Mr Ross Minette (Elton Consulting), Mr Nathan Quartermaine (Burling Brown Architects) and Mr Chris Voudouris (owner)

RESOLVED
317/10

That, the Development Consent Authority vary the requirements of Clauses 6.3.3 (Urban Design Requirements in Central Darwin), 6.5.1 (Parking Requirements) and 6.6 (Loading Bays) of the NT Planning Scheme, and pursuant to section 53(a) of the *Planning Act* consent to the application to develop Lots 2338 and 2339 (17 and 15)

Cavenagh Street, Town of Darwin for the purpose of offices and ground level shops subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and the commencement of works (including site preparation), in order to reduce the amount of car parking required to be provided on site by a potential maximum of 4 bays (to take into account the provision of bicycle storage facilities), a full set of amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority demonstrating the following:
 - (a) A minimum of 26 bicycle bays each with an unobstructed envelope of 1.7m in length and 0.7m in width; and
 - (b) Facilities to accommodate a minimum of four shower cubicles adjacent to the bicycle storage area, to the satisfaction of the consent authority.
2. Prior to the endorsement of plans and the commencement of works (including site preparation) a schematic plan demonstrating all stormwater to be collected on the site and discharged to the Darwin City Council's stormwater drainage system must be provided to Darwin City Council, to the satisfaction of the consent authority. The plan shall provide details of site levels and drainage connection point/s and how stormwater will be collected on the site and connected underground and confirm the feasibility to collect stormwater on the site and dispose of it into Council's stormwater drainage system.
3. Prior to the endorsement of plans and the commencement of works (including site preparation) the applicant must obtain confirmation from Darwin City Council that the awning on the site plan is acceptable. Should Darwin City Council not agree to the design of the awning as shown on the plans any new design of the proposed awning must serve to break up the visual mass of the building (as the current awning does) and reduce the visual mass of the car parking levels, to the satisfaction of the consent authority.
4. Prior to the commencement of works (including site preparation) a Traffic Management Plan for the construction phase must be submitted which demonstrates the requirements of the Department of Lands and Planning that the construction of the development will not impact bus services along Cavenagh Street, to the satisfaction of the consent authority.
5. Prior to the endorsement of plans and the commencement of works (including site preparation), a full set of 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 three copies must be provided. The plans must be generally in accordance with the plans submitted with the application, but modified to show the façade treatment to the side walls of the building serving to reduce the visual bulk and mass of these walls and provide visual interest.

6. Prior to the commencement of works (including site preparation) additional details with regard to access and/or management arrangements of the car parking area is necessary to ensure that appropriate and convenient access to the on-site car parking area is available for patrons of the ground level retail and commercial components of the development (104 car parking bays) is available.

GENERAL CONDITIONS

7. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
8. Before the use commences the owner must, in accordance with Part 6 of the Developer Contribution of the *Planning Act*, pay a monetary contribution to Darwin City Council in accordance with Council's Developer Contribution Plans for Stormwater Drainage Works, to the satisfaction of the Development Consent Authority.
9. Before the use commences the owner must, in accordance with section 70(3) of the *Planning Act* provide 109 parking bays. In accordance with section 70(5) of the Act, five of the required parking bays must be provided through the payment of a monetary contribution to the Darwin City Council. The contribution is to be calculated in accordance with the requirements of section 70(6) of the Act.
10. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
11. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity and telecommunication services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
12. 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 Darwin City Council, to the satisfaction of the consent authority.
13. Before the use starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat;
 - (d) drained;
 - (e) line marked to indicate each car space and all access lanes; and

- (f) clearly marked to show the direction of traffic along access lanes and driveways;
to the satisfaction of the consent authority.
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
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. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
 16. Before the use 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. All air conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
 19. The podium/balcony areas 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 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.
 21. All substation, fire booster, and water meter arrangements are to be appropriately screened, to soften the visual impact of such infrastructure on the streetscape, to ensure that the infrastructure is sympathetic to and blends in with the design of the building. Details will need to be resolved in consultation with the Power and Water Corporation and Fire and Emergency Services and, as the case may be, to the satisfaction of the consent authority.
 22. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council to the satisfaction of the consent authority.
 23. Soil erosion and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
 24. An Occupancy Permit under the *Building Act* shall not be granted until such time as Lots 2338 and 2339, Town of Darwin have been consolidated and a new title issued in respect of that consolidated allotment.

NOTES:

1. The location, design and specifications for proposed and affected crossovers shall be provided to the satisfaction of the General Manager of Infrastructure, Darwin City Council and at no cost to the Council.
2. Notwithstanding the approved plans, all signage is subject to Council's approval and shall meet all Council's requirements to the satisfaction of the Director of Technical Services, Darwin City Council at no cost to Council.
3. Notwithstanding the approved plans, any proposed awning or building structure is subject to council's approval and shall meet all Council's requirements to the satisfaction of the General Manager of Infrastructure, Darwin City Council and at no cost to Council.
4. Design and specifications for landscaping of the road verges adjacent to the property shall be submitted for approval by the General Manager of Infrastructure, Darwin City Council, and all approved works constructed to Council's requirements at the applicant's expense.
5. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
6. Telstra advise that prior to the commencement of works the developer is to contact Telstra via its web site <http://www.telstrasmartcommunity.com> to facilitate the installation of the Telstra Network.

REASONS FOR THE DECISION

1. The proposal is consistent with the primary purpose of Zone CB (Central Business), which is, "to provide for a diversity of activities, including administrative, judicial, professional, office, entertainment, cultural, residential and retail, and other business activities with a commitment to the separation of incompatible activities".

Furthermore, the proposed development provides a building form and design that is expected to be sensitive to the needs of pedestrian movement and facilitate the creation of safe and active street frontages and public places and a vibrant commercial precinct.

2. A variation to clause 6.6 (Loading Bays) of the Northern Territory Planning Scheme is supported as it is considered that the office component on the site will impose an infrequent demand on the proposed loading bay. The related nature of the restaurants and retail areas will enable the loading facilities to be adequately shared.

3. A variation to the requirements of Clause 6.3.3 (Urban Design Requirements in Central Darwin) is supported as given the configuration and location of the of the proposed building it is not considered practical to provide a pedestrian link or achieve a 75% active street frontage to Austin Lane.

It is not practical to provide a pedestrian link from a pedestrian connectivity perspective as there are currently three direct linkages from Cavenagh Street through to Smith Street Mall. Two of these are located on the two adjoining properties. These are well used and are functions of each of the respective buildings creating extra frontage for tenancies. Because of these popular links on either side of the subject site and the fact there is no corresponding link directly opposite on the Smith Street Mall side it is not considered necessary or practical to provide a public link in this building.

4. A reduction of 2 car parking spaces based on 1 parking space for every 3 motorcycle bays to a rate of 1 motorcycle bay per every 25 car parking spaces required is considered warranted as it provides legitimate parking opportunities in appropriate sized bays which will reduce demand for full sized car parking spaces.
5. A reduction of 4 car parking spaces based on 1 bicycle bay per every 25 car parking bays required (for the office component of the development only) is considered warranted as, the office component of the development is considered to be of large enough scale to warrant the specific provision of designated bicycle parking spaces and facilities. The number of bicycle bays legitimately required has been determined generally in accordance with the ACT Bicycle Parking Guidelines (Part 3).
6. A variation to the on-site provision of parking spaces required under clause 6.5.1 (Parking Requirements) of the Northern Territory Planning Scheme is supported, as a payment in lieu to the Darwin City Council for 5 spaces will ensure that parking will be made available in the locality in the long term and as the provision of parking for commercial uses in publicly accessible centralised pool promotes land use efficiency and improves availability of parking to the full community.
7. The requirement for confirmation from Darwin City Council that the awning on the site plan is acceptable is necessary to ensure that any proposed awning will serve to break up the visual mass of the building and reduce the visual mass of the car parking levels.
8. The requirement for a Traffic Management Plan for the construction phase is necessary in order to confirm that the works will not impact on bus services along Cavenagh Street.
9. The requirement for additional details with regard to access and/or management arrangements to ensure appropriate and convenient access to the on-site carparking area is required in order to ensure that the required car parking for the retail and office components of the

development, in accordance with clause 6.5.1 (Parking Requirements), is accessible for the patrons of these uses.

ACTION: Notice of Consent and Development Permit

ITEM 4 **CHANGES TO THE DEVELOPMENT APPROVED BY DP09/0538**
PA2010/1202 **TO ADD A COVERED WALKWAY WITH A REDUCED FRONT SETBACK**
APPLICANT **LOT 7310 (19) KIRKLAND CRESCENT, TOWN OF DARWIN**
JOHN ALEXOPOULOS

Mr John Berryman (Group 1 Consulting) attended and tabled three coloured perspectives and a site plan.

Submitter Ms Leanne Walton attended.
Submitter Mr Chris Walton sent his apologies.

RESOLVED
318/10

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(a) of the *Planning Act*, consent to the application to develop Lot 7310 (19) Kirkland Crescent, Town of Darwin, for the purposes of a covered walkway, subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawing numbered 2010/1202/1, 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. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

REASONS FOR THE DECISION

1. The proposal to construct a covered walkway does not conflict with the primary purpose of Zone SD (Single Dwelling Residential), which is to "provide for single dwellings on individual lots".

2. A variation to Clause 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme is supported as the proposed covered walkway will not result in any overlooking of adjoining properties, will not impact on breeze penetration, and is considered to be compatible with the streetscape, with little resultant massing due to it being a predominantly open structure, with a transparent roof.

ACTION: Notice of Consent and Development Permit

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



PETER MCQUEEN
Chairman

22/11/10

