



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 240 – FRIDAY 19 SEPTEMBER 2014

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

MEMBERS PRESENT: Grant Tambling (Deputy Chairman), Garry Lambert and Bob Elix

APOLOGIES: Denis Burke (Chairman)

OFFICERS PRESENT: Margaret Macintyre (Secretary), Hanna Stevenson, Sally Cunningham and Anthony Brennan (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 9.30 am and closed at 10.10 am

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 **4 X 4 BEDROOM MULTIPLE DWELLINGS IN 2 X 2 STOREY BUILDINGS**
PA2014/0551 **LOT 1698 (34) GEORGE CRESCENT, TOWN OF DARWIN**
APPLICANT **SAVVAS ARCHITECT**

Mr Savvas Savvas (Savvas Architect) and Ms Helen Savvas (owner) attended.

Submitter Mr John Marshall attended.

RESOLVED
207/14

That, the Development Consent Authority vary the requirements of clause 7.3.1 (Additional Setback Requirements for Residential Buildings longer than 18 metres and for Residential Buildings Over 4 Storeys in Height) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 1698 (34) George Crescent, Town of Darwin for the purpose of 4 x 4 bedroom multiple dwellings in 2 x 2 storey buildings, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Darwin's 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.
2. Prior to the commencement of works (including site preparation), the applicant is to prepare an Environmental Construction Management Plan (ECMP), to the requirements of the City of Darwin. The ECMP is to address how construction will be managed on the site, and should specifically address waste management, traffic control, haulage routes, stormwater drainage, and the use of City of Darwin Land during construction.
3. Prior to the commencement of works (including site preparation) a waste management plan in accordance with Council's Waste Management Policy is required to the requirements of the City of Darwin.

GENERAL CONDITIONS

4. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
5. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.

6. 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.
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 and telecommunication networks to the land shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.
8. The kerb crossover and driveway to the site approved by this permit are to meet the technical standards of, and be at no cost to the City of Darwin, to the satisfaction of the consent authority.
9. 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, and to the satisfaction of the consent authority.
10. 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.
11. 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.
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 (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.
14. 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.
15. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.
16. All 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 and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
18. No polluted and/or sediment laden run-off is to be discharged directly or indirectly to City of Darwin drains or to any watercourse.

NOTES:

1. Power and Water Corporation advise that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and the Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of one month prior to construction works commencing to determine servicing requirements and the need for upgrading of infrastructure.
2. 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.
3. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites in the Northern Territory. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
4. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities.
5. 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.

REASONS FOR THE DECISION

1. The proposed development is consistent with the purpose of Zone MD (Multiple Dwelling Residential), which is to provide "for a range of housing options to a height of two storeys above ground level" and being of a "scale, character and architectural style" that is "compatible with the streetscape and surrounding development".
2. A variation to Clause 7.3.1 (Additional Setback Requirements for Residential Buildings Longer than 18m and for Residential Buildings Over 4 Storeys in Height) is acceptable as the building is well articulated and architecturally embellished including alternate wall materials, varying wall

colours, varying rooflines, varying wall facades, screening, stepping and perceived spaces, which help to minimise the building massing and visual bulk when viewed from the adjoining land. The design is considered to be consistent with the purpose of the clause and a variation to the requirements of Clause 7.3.1 is acceptable in this instance.

3. Pursuant to section 51(n) of the *Planning Act*, the consent authority must take into account the potential impact on the existing and future amenity of the area in which the land is situated. The application is consistent with the primary purpose of Zone MD (Multiple Dwelling) which is to provide for a range of housing options to a maximum height of two storeys above ground level. The proposal is for a 2 storey multiple dwelling development, which is envisaged by this zone, and where the proposal seeks a variation to the requirements of clause 7.3.1 of the planning scheme it has been demonstrated that the purpose of the clause has been met. The proposal achieves compliance with the density, building height, car parking, landscaping, and private open space requirements of the NT Planning Scheme which is considered to demonstrate that the development is suitable for the site and will not unduly impact on the existing and future amenity of the area.
4. A schematic stormwater plan is required in order for the development to demonstrate that it is technically feasible to collect stormwater on the site and dispose of it into Council's stormwater drainage system, and to ensure that no stormwater will sheet-flow into the road reserve or onto adjoining properties.

ACTION: Notice of Consent and Development Permit

ITEM 2
PA2014/0490

CHANGES TO DP13/0510 FOR AN ADDITIONAL 3 X 2 BEDROOM MULTIPLE DWELLINGS, LAYOUT CHANGES AND AN INCREASE TO THE PODIUM AND OVERALL HEIGHT
LOT 2443 (110) MITCHELL STREET, TOWN OF DARWIN
APPLICANT **NORTHERN PLANNING CONSULTANTS**

Mr Brad Cunnington (Northern Planning Consultants) and Mr Steven Huntingford (Jackman Gooden Architects) attended.

Mr Cunningham tabled site plan showing the requirements of Power and Water in relation to an easement encroachment.

RESOLVED
208/14

That, the Development Consent Authority vary the requirements of clauses 6.3.2 (Volumetric Control in Central Darwin), 6.3.3 (Urban Design Requirements in Central Darwin), 6.5.3 (Parking Layout) and 7.5 (Private Open Space) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 2443 (110) Mitchell Street, Town of Darwin, for the purpose of changes to DP13/0510 for an additional 3 x 2 bedroom multiple dwellings, layout changes and an increase to the podium and overall height resulting in 35 x 1 bedroom, 34 x 2 bedroom and 9 x 3 bedroom multiple dwellings and

ground level shops in a 12 storey building plus 3 levels of basement carparking, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to include:
 - The locations of all roof top plant equipment, equipment relating to the operation of the lift, aerials, ventilation equipment and ducting and any other equipment that will be placed on the rooftop of the development. The equipment shall be appropriately screened or designed to soften the visual impact of such equipment from view from neighbouring or nearby developments (or developments reasonably anticipated)
 - The locations of all air-conditioning condenser units and provide details of the screening to be utilised to ensure the condenser units are appropriately screened from public view and from view of neighbouring or nearby developments (or developments reasonably anticipated). The locations of all condenser units must allow convenient access for ongoing repair and maintenance. The use of angled louvered slats for screening purposes is acceptable, however the slat screening must be designed with an acceptable panel to gap ratio, such that the condenser units are not readily visible from any angle.
 - Directional signs and road markings to clearly indicate the location and operation of the car parking spaces associated with the commercial uses on site to the satisfaction of the consent authority.
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 a waste management plan in accordance with Council's Waste Management Policy 054, to the requirements of the City of Darwin, to the satisfaction of the consent authority.
4. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a traffic impact assessment report prepared in accordance with the Austroads document 'Guide to Traffic Management Part 12: Traffic Impacts of Developments'. The report must outline changes that will be required to the surrounding road network and address vehicular, pedestrian, cyclist and public transport issues and

opportunities, and is to include swept paths for waste collection vehicles entering and exiting the site. The report is to be to the approval of the City of Darwin, to the satisfaction of the consent authority.

5. 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.
6. Prior to the endorsement of the plans and prior to the commencement of works (including site preparation), the applicant is to submit:
 - (a) An 'easement encroachment agreement with power and water Corporation for the possible encroachment into the existing sewerage easement within Lot 2443, Town of Darwin; or
 - (b) Confirmation from Power and Water Corporation that the sewerage easement has been appropriately extinguished or relocated. Following extinguishment or relocation of Power and Water Corporation's sewerage easement, a new survey plan will need to be obtained from the Land Titles Office and issued to the consent authority.All of the above shall be to the requirements of the Power and Water Corporation, to the satisfaction of the consent authority.

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. All works recommended by the Traffic Impact Assessment report are to be completed to the requirements of the City of Darwin, 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, electricity and telecommunications facilities to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
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. 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.
12. 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.

13. 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 the City of Darwin, to the satisfaction of the consent authority.
14. 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, and to the satisfaction of the consent authority.
13. 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.
14. 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.
15. Before the use/ occupation of the development starts, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
16. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
17. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the consent authority.
18. All 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.

19. All substation, fire booster and water meter arrangements are to be appropriately screened to soften the visual impact of such infrastructure on the streetscape, to ensure that the infrastructure is sympathetic to and blends in with the design of the building. Details will need to be resolved to the satisfaction of the consent authority in consultation with the Power and Water Corporation, and NT Fire and Emergency Services.
20. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the consent authority.
21. All balconies are to be internally drained and discharge is to be disposed of at ground level and in a manner consistent with stormwater disposal arrangements for the site to the satisfaction of the consent authority.
22. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, 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.

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 in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. This development as approved by the Development Consent Authority (DCA) achieves a level of active interface deemed by the authority to provide approximately 62.52% of the length of the site boundary at ground level as active street frontage, and almost full activation to Mitchell Street. Retaining this level of active frontage is considered by the DCA to be essential to this development achieving the purpose of clause 6.3.3 (Urban Design Requirements in Central Darwin). Any reduction in the percentage of active street frontage is unlikely to be supported, and will require full consideration by the DCA at a meeting of the authority. Refer to "Design guidance to achieve active frontages and provide for services" for advice to active street frontages in relation to service authority requirements.
3. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to the City of Darwin.
4. Notwithstanding the approved plans, the demonstrated awning in City of Darwin's road reserve is subject to Council 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. 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.
7. There are statutory obligations under the *Water Act* that a person must not cause water to become polluted. The Northern Territory Environment Protection Authority advises that any excavated pit required for the basement level may fill up with turbid sediment laden stormwater, and the proponent must ensure that any pit-water to be discharged from the development is sufficiently treated to ensure that any receiving waterway (including the underground stormwater system) is not polluted.
8. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities
9. 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.
10. Approval must be submitted to the Department of Defence for any cranes used during construction that will infringe on either the Obstacle Limitation Surfaces (OLS) or Procedures for Air Navigation – Operations (PAN-OPS) surfaces for Darwin Airport.
11. The developer is required to contact 'Dial Before You Dig' on 1100 to obtain a location of the Telstra Network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.

REASONS FOR THE DECISION

1. The proposal is consistent with the primary purpose of zone CB (Central Business), being "to provide for a diversity of activities including administrative, judicial, professional, office, entertainment, cultural, residential, retail and other business activities, with a commitment to the separation of incompatible activities".
2. A variation to the requirements of clause 6.3.2 (Volumetric Control in Central Darwin) of the Northern Territory Planning Scheme is acceptable as the non-compliance is minor and would not impact, in any real way, on the amenity of adjoining properties. The development shows acknowledgement of the purpose of clause 6.3.2 (Volumetric Control in

Central Darwin) and will see a negligible impact on views, breezes and daylight, and no increased impact on privacy between sites.

3. A variation to the requirements of clause 6.3.3 (Urban Design Requirements in Central Darwin) of the Northern Territory Planning Scheme is supported as the non-compliance is quite minor and the development presents almost full activation to Mitchell Street, the dominant street for the site. The open lobby space between the two commercial tenancies is noted as a design feature, encouraging interaction and ensuring that the development does not overly impose on the street, thereby meeting the intent of this clause, "to promote exemplary urban design in Central Darwin".
4. A variation to the requirements of clause 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme is supported as the spaces affected by the non-compliance all sit over from a ramp, and are therefore provided with sufficient space for cars to reverse up/ down the ramp and manoeuvre appropriately. The carparking layout is considered to meet the purpose of clause 6.5.3, "to ensure that a carparking area is appropriately designed, constructed and maintained for its intended purpose", that being the access and parking of cars associated with the development.
5. A variation to the requirements of clause 7.5 (Private Open Space) of the Northern Territory Planning Scheme is supported as the variation being sought is numerically minor and is compensated through the large surplus against the communal open space requirements of clause 7.6. The site's location, within the Darwin CBD is also seen as a balance in this regard, noting the many facilities and amenities within proximity, the Esplanade being approximately 200m to the south, within ready walking distance. The balconies provided as part of the development are appropriately sited and are directly accessible from the dwelling and enable an extension of the function of the dwelling, in line with subclauses 1(a) and 2(a) of clause 7.5 of the Planning Scheme.
6. In accordance with the requirements of section 51(m) of the *Planning Act*, consideration has been given to all comments received from service authorities, with all relevant matters addressed through conditions or notes on the development permit, thereby ensuring that an appropriate level of service is maintained for the site and surrounding locality.
7. A traffic impact assessment report, in accordance with the Austroads document 'Guide to Traffic Management Part 12: Traffic Impacts of Developments' is required in order to demonstrate that the development can be supported without undue impact on the site and locality. The City of Darwin specifically requests that a traffic impact assessment report be undertaken that relates specifically to the proposed development.
8. A schematic stormwater plan is required in order for the development to demonstrate that it is technically feasible to collect stormwater on the site and dispose of it into the local underground stormwater system, to the

appropriate standards, and to ensure that no stormwater will sheet-flow into the road reserve or onto adjoining properties.

ACTION: Notice of Consent and Development Permit

ITEM 3 **WAREHOUSE AND ANCILLARY OFFICE WITH A REDUCED REAR SETBACK AND**
PA2014/0596 **HEIGHT IN EXCESS OF 8.5M**
APPLICANT **SECTION 5837 (15) VERRINDER ROAD, HUNDRED OF BAGOT**
FOSTER BROTHERS ENGINEERING P/L

DAS tabled an addendum.

Mr Jason Foster and Mr Simon Foster attended.

RESOLVED
209/14

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Section 5837 (15) Verrinder Road, Hundred of Bagot for the purpose of a warehouse and ancillary office with a reduced rear setback and a height in excess of 8.5m to require the following information to be provided that the Authority considers necessary in order to enable proper consideration of the application:

- Receipt of comments from Department of Transport in relation to the proposed development.

RESOLVED
210/14

That, pursuant to section 86 of the *Planning Act*, the Development Consent Authority delegates to the Chairman or in the Chairman's absence any other member of the division the power under section 53 of the Act, to determine the application to develop Section 5837 (15) Verrinder Road, Hundred of Bagot for the purpose of a warehouse and ancillary office with a reduced rear setback and a height in excess of 8.5m.

REASON FOR THE DECISION

1. The Authority considers that comments from the Department of Transport are necessary in order to ensure that the site is adequately serviced and to ensure no adverse impact on other properties in the surrounding area.

ACTION: Advice to Applicant

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


GRANT TAMBLING
Delegate

23/9/14