

DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 253 – FRIDAY 8 MAY 2015

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

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

APOLOGIES: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), Adelle Godfrey, Joseph Sheridan, Stephanie Breuer and Ann-Marie Dooley (Development Assessment Services)

COUNCIL REPRESENTATIVE: Cindy Robson (Items 4, 10 and 12 only)

Meeting opened at 9.00 am and closed at 4.30 pm

THE MINUTES RECORD OF THE EVIDENTIARY STAGE AND THE DELIBERATIVE STAGE ARE RECORDED SEPARATELY. THESE MINUTES RECORD THE DELIBERATIVE STAGE. THE TWO STAGES ARE GENERALLY HELD AT DIFFERENT TIMES DURING THE MEETING AND INVITEES ARE PRESENT FOR THE EVIDENTIARY STAGE ONLY.

ITEM 1 **SINGLE DWELLING WITHIN A PRIMARY STORM SURGE AREA WITH REDUCED**
PA2015/0040 **SIDE AND REAR SETBACKS**
 LOT 9166 (28) ORCHARD ROAD, TOWN OF NIGHTCLIFF
APPLICANT **DKJ PROJECTS ARCHITECTURE**

Mr Peter Farinola and Mr Adam Walker (DKJ Projects Architecture), Mr Steven Koukouvas (owner) and Mr Brad Cunnington (Northern Planning Consultants) attended.

Mr Brad Cunnington tabled comments from OPUS on storm surge on the lot to address recommended condition precedent 1.

Mr Cunnington tabled advice from OPUS engineers on storm surge.

Submitter: Mr Paul Rowston attended on behalf of the submitter who was unable to attend.

RESOLVED That, the Development Consent Authority vary the requirements of Clauses 6.16
108/15 (Excavation and Fill), 6.11 (Garages and Sheds) and 7.3 (Building Setbacks of
Residential Buildings), and pursuant to section 53(a) of the *Planning Act*, consent to
the application to develop Lot 9166 (28) Orchard Road, Town of Nightcliff for the
purpose of a single dwelling within a primary storm surge area with reduced side and
rear 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), the applicant/land owner must provide written confirmation from a suitably qualified person that the dwelling will be constructed to withstand the effects of a primary storm surge event.
2. Prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Darwin stormwater drainage system shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority.
3. Prior to the commencement of works (including site preparation), the applicant is to prepare 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.
4. Prior to the commencement of works (including site preparation), the applicant is to prepare a dilapidation report covering infrastructure within the road

reserve to the requirements of the City of Darwin, to the satisfaction of the consent authority.

GENERAL CONDITIONS

5. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
6. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage and electricity facilities to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
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. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to City of Darwin, to the satisfaction of the consent authority.
9. The finished floor levels of the dwelling must be a minimum of 300mm above the applicable flood level for the property.
10. The development must be designed and constructed to comply with AS2021-2000 'Acoustics – Aircraft noise intrusion – Building siting and construction', and a statement from a suitably qualified acoustic engineer confirming compliance with AS2021-2000 must be submitted prior to occupation 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. The Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency's Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

REASONS FOR THE DECISION

1. Lot 9166 is located within Zone RR (Rural Residential) of the Northern Territory Planning Scheme. The primary purpose of Zone RR is to provide for rural residential uses. The proposal is for redevelopment of existing rural residential land and proposes construction of a new dwelling which takes into account the potential impacts of the Primary Storm Surge Area that is identified as impacting the subject land. The development is considered to be consistent with the existing scale and style of residential development in the area and the style of development reasonably anticipated given the existing development pattern and known constraints of the land.
2. The submission of further documentation is required to ensure that the dwelling construction will withstand the effects of a primary storm surge event. Information from a suitably qualified person has been provided to confirm that no upstream or downstream impacts will occur as a result of filling the land.
3. A variation to the requirements of Clause 6.11 (Garages and Sheds) of the Northern Territory Planning Scheme is considered acceptable. Due to the design and siting of the garage and existing development pattern of the area which includes reduced building setbacks for both adjoining allotments, the reduced setbacks are considered consistent with the purpose of the clause and unlikely to impact on the amenity of the area.
4. A variation to the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme is considered acceptable. Due to the design and siting of the dwelling and existing development pattern of the area the development is considered to be generally reflective of the style and scale of development reasonably anticipated. The area is characterised by rural residential allotments of a size and development style more typical of low-density residential zones and the reduced building setbacks are therefore considered acceptable. The reduced setback of the gate-house is not considered to result in any greater visual bulk than the front fencing proposed which is exempt from planning controls.
5. The site is identified as being located within the 20-25 unit value of the Aircraft Noise Exposure Forecast associated with the Darwin International Airport/RAAF Base Darwin. Confirmation is required that the construction of the dwelling incorporates any required acoustic treatments to provide for an appropriate level of residential amenity.
6. Pursuant to section 51(e) of the *Planning Act*, the consent authority must take into consideration any submissions made under section 49 in relation to the development application. Matters relating to the reduced building setbacks, the use of fill and proposed stormwater drainage are considered suitably addressed.

7. Conditions requiring submission of a dilapidation report, stormwater drainage plan and environmental construction management plan were included at the request of the City of Darwin in line with its role under the *Local Government Act*.

ACTION:

Notice of Consent and Development Permit

ITEM 2
PA2015/0162
APPLICANT

SINGLE DWELLING WITHIN A PRIMARY STORM SURGE AREA
LOT 1039 (79) RAPID CREEK ROAD, TOWN OF NIGHTCLIFF
ONE PLANNING CONSULT

Mr Israel Kgosiemang (One Planning Consult) attended.

RESOLVED
109/15

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 1039 (79) Rapid Creek Road, Town of Nightcliff for the purpose of a single dwelling within a primary storm surge area, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and the commencement of works, the applicant/land owner must provide written confirmation from a suitably qualified person that the dwelling will be constructed to withstand the effects of a primary storm surge event.
2. Prior to the commencement of works (including site preparation), the applicant/land owner must provide confirmation from a suitably qualified person that the finished floor levels for the dwelling are 300mm above the applicable 1% Annual Exceedence Probability flood event level for the site.
3. 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.
4. 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.
5. Prior to the commencement of works (including site preparation), the applicant is to prepare a dilapidation report covering infrastructure within the road reserve to the requirements of the City of Darwin, to the satisfaction of the consent authority.

GENERAL CONDITIONS

6. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
7. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
8. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
9. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to City of Darwin, to the satisfaction of the consent authority.
10. The finished floor levels of the dwelling must be a minimum of 300mm above the applicable flood level for the property.

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

REASONS FOR THE DECISION

1. Lot 1039 is located within Zone SD (Single Dwelling) of the NT Planning Scheme. The purpose of this zone is to provide for single dwellings on individual lots. The proposal is to replace a ground level single dwelling with an elevated single dwelling and will not alter the primary use of the land.
2. Despite the site being within the Primary Storm Surge Area the design of the dwelling is considered to satisfactorily address potential storm surge impacts. A requirement to provide a statement from a suitably qualified person that the construction of the dwelling has been designed to

withstand a primary storm surge event and that the finished floor levels are 300mm above the applicable 1% Annual Exceedence Probability flood event level for the site will ensure that the building is constructed appropriately.

3. The proposal has been assessed against the Northern Territory Planning Scheme and complies with the applicable building height, car parking and building setback requirements of the Scheme. The level of compliance achieved is considered to demonstrate that the development will result in no adverse amenity impacts.
4. A condition precedent requiring submission of a schematic stormwater plan, dilapidation report and environmental construction management plan have been included at the request of the City of Darwin.

ACTION: Notice of Consent and Development Permit

ITEM 3
PA2015/0200
APPLICANT

VERANDAH ADDITION TO AN EXISTING MULTIPLE DWELLING (UNIT 5)
LOT 1111 (16) GARDENS HILL CRESCENT, TOWN OF DARWIN
DPL DEVELOPMENTS

Mr Israel Kgosiemang (One Planning Consult) attended on behalf of the applicant.

RESOLVED
110/15

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 1111 (16) Gardens Hill Crescent, Town of Darwin for the purpose of a verandah addition to an existing multiple dwelling (Unit 5), subject to the following conditions:

CONDITION PRECEDENT

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

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings 2015/0200/01 through to 2015/0200/08 endorsed as forming part of this permit.
3. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to City of Darwin to the satisfaction of the consent authority.

NOTES:

1. The Northern Territory Environment Protection Agency 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.

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.

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. The application is consistent with the purpose of Zone MD (Multiple Dwelling Residential) which is "to provide for a range of housing options to a maximum height of two storeys above ground level". The development is ancillary to the existing multiple dwellings.
2. The proposed verandah addition is compliant with the relevant provisions of the Northern Territory Planning Scheme and is not expected have any undue effect on the amenity of neighbouring properties or the surrounding area.

ACTION: Notice of Consent and Development Permit

ITEM 4 PA2015/0128 APPLICANT	13 X 1 AND 78 X 2 BEDROOM SERVICED APARTMENTS IN A 17 STOREY BUILDING INCLUDING GROUND LEVEL COMMERCIAL TENANCIES AND 2 LEVELS OF CARPARKING LOT 5030 (48) CAVENAGH STREET, TOWN OF DARWIN ELTON CONSULTING
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DAS tabled an addendum – further comments from City of Darwin

Ms Valerie Conway and Ms Wendy Smith (Elton Consulting), Mr Ben Wilson (MFY), Mr Zac Neck (Turner and Townsend Thinc), Mr Chris Pratt and Mr Saar Alfasi (Alfasi Property Group).

RESOLVED 111/15	That, pursuant section 46(4)(b) of the <i>Planning Act</i> , the Development Consent Authority defer consideration of the application to develop Lot 5030 (48) Cavenagh Street, Town of Darwin for the purpose of 13 x 1 bedroom and 78 x 2 bedroom serviced apartments in a 17 storey building including ground level commercial tenancies and 2 levels of car parking developed in 4 stages to require the applicant to provide the following information that the authority considers necessary to enable proper consideration of the application: <ul style="list-style-type: none">• additional information in relation to the requested reduction to the car parking generation rate for the ground level commercial tenancies and explaining in greater detail why a reduction in car parking should be granted based on the
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current car parking arrangements available in the existing street network, or other arguments in context of Clause 6.5.2 (Reduction in Parking Requirements);

- additional information addressing the adequacy of car parking bay sizes and how the reasonable expectation for a higher proportion of larger vehicles (as are prevalent in Darwin and having regard for the standard car parking bay dimensional requirements for bays in the NT Planning Scheme) is justified;
- further details on the car parking generation rates for the serviced apartments and in particular on the generation rate which should be applied to the 'dual key' apartments;
- additional information as presented by the applicant in relation to an easement in favour of 'Lot B' providing access across 'Lot A' (lots created through DP15/0108A), to preserve the potential to rationalise the number of vehicle crossovers required from Litchfield Street to service the broader development site in the future;
- demonstration of adequate facilities for the loading/unloading of passengers from buses and taxis associated with the serviced apartments or provision of additional information demonstrating how loading/unloading of passengers will be managed appropriately; and
- demonstration with certainty that the car parking and loading/unloading facilities are designed to conveniently service the future operations of Australia Post.

REASON FOR THE DECISION

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

ACTION: Advice to Applicant

ITEM 5
PA2015/0179
APPLICANT

SUBDIVISION TO CREATE 28 LOTS
SECTION 6055 (26) MEL ROAD, HUNDRED OF BAGOT
CHRIS RENEHAN

Mr Chris Renehan attended.

RESOLVED
112/15

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Section 6055 (26) Mel Rd, Hundred of Bagot for the purpose of a subdivision to create twenty eight (28) lots, subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawing numbered 2015/0179/01 endorsed as forming part of this permit.

2. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage, electricity facilities and telecommunication networks to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
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. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for approval by the Surveyor General.
5. All proposed roads to be created on the plan of subdivision submitted for approval by the Surveyor General must be dedicated to the relevant Northern Territory or local government authority.
6. Engineering design and specifications for the proposed and affected roads, street lighting, internal stormwater drainage, vehicular access, and street scaping are to be to the technical requirements of the City of Darwin to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
7. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the City of Darwin, the Department of Transport and the Department of Lands, Planning and the Environment to the satisfaction of the consent authority.
8. Prior to Part 5 Clearance being issued, an appropriately experienced and qualified Civil Engineer certify that the existing stormwater infrastructure is capable of managing post-development stormwater run-off generated by this subdivision, to the requirements of the Department of Transport and the Department of Lands, Planning and the Environment 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. 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.

3. As part of any subdivision, the parcel numbers for addressing should comply with the Australian Standard (AS/NZS 4819:2011). For more information contact Survey and Land Records surveylandrecords@nt.gov.au 08 8995 5354. The numbers shown on the plans endorsed as forming part of this permit are indicative only and are not for addressing purposes.
4. A "Permit to Work Within a Road Reserve" may be required from the Department of Transport before commencement of any work within the road reserve.
5. "All new roads are required to be named under the Place Names Act. You should immediately make application to the Place Names Committee to commence the road naming process. Contact the Place Names Unit on 8995 5333 or placenames.dpi@nt.gov.au. Further information can be found at <http://www.placenames.nt.gov.au>."
6. There are statutory obligations under the Weeds Management Act to take all practical measures to manage weeds on the property. For advice on weed management please contact the Department of Land Resource Management.

REASONS FOR DECISION

1. Pursuant to 51(a) of the *Planning Act*, the consent authority must give consideration to any planning scheme that applies to the land. The Northern Territory Planning Scheme applies to the land. Section 6055 is within Zone GI (General Industry) of the Scheme and is intended to be used for industrial purposes. The application complies with the applicable requirements of Part 5 'Subdivisions' of the Scheme.
2. Pursuant to section 51(j) of the *Planning Act*, the consent authority must give consideration to the capability of the land that is the subject of the application. No land capability issues were identified as part of the assessment against the requirements of the Northern Territory Planning Scheme. The Department of Transport and the Department of Lands, Planning and the Environment have identified that stormwater drainage will need to be adequately managed and the conditions of approval are designed to ensure this occurs.

ACTION: Notice of Consent and Development Permit

ITEM 6
PA2015/0169

**SUBDIVISION AND CONSOLIDATION TO CREATE TWO LOTS (BOUNDARY
REALIGNMENT
LOT 9772 (61) PROGRESS DRIVE & LOT 9773 (159) DICK WARD DRIVE, TOWN
OF NIGHTCLIFF
APPLICANT
AAM PTY LTD**

Mr Gregg Hestelow (AAM Pty Ltd) attended.

Submitter Ms Fiona Douglas sent her apologies.

**RESOLVED
113/15**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lots 9773 (61) Progress Drive and 9773 (159) Dick Ward Drive, Town of Nightcliff for the purpose of subdivision and consolidation to create 2 lots (boundary realignment), subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawing 2015/0169/01 endorsed as forming part of this permit.
2. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for approval by the Surveyor General.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewage and electricity facilities to each lots shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

NOTE:

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

REASONS FOR THE DECISION

1. Pursuant to Section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. The proposed consolidation was assessed against the relevant clause of the NT Planning Scheme and fully complies with the applicable clauses.
2. All matters in Section 51 of the *Planning Act* have been suitably addressed in the application, and it is recognised that subdivision and

consolidation of the lots will not hinder future development of the site nor adversely impact on the existing or future amenity of the area.

3. Pursuant to section 51(e) of the *Planning Act*, the consent authority must take into consideration any submissions made under section 49 in relation to the development application. The subdivision and consolidation will allow for the provision of car parking and loading access and will not affect the existing zoning of the site or future development in the broader locality.

ACTION: Notice of Consent and Development Permit

ITEM 7
PA2015/0164
APPLICANT

2 X 3 BEDROOM MULTIPLE DWELLINGS IN A TWO STOREY BUILDING
LOT 11706 ASCHE STREET, TOWN OF NIGHTCLIFF
ABP PERMITS PL

Mr Chris Lovewell (ABP Permits PL) attended and tabled two amended site plans and 12 amended development plans including drainage, landscape and electrical plan.

Submitter Ms Carol Francis attended.

RESOLVED
114/15

That pursuant to section 86 of the *Planning Act*, the Authority delegates to the Chairman the power under section 53 of the Act, to determine the application to develop Lot 11564 (proposed Lot 11706) Asche Street, Town of Nightcliff, for the purpose of 2 x 3 bedroom multiple dwellings in a 2 storey building, subject to:

- The tabled plans not creating any additional non-compliance with the requirements of the NT Planning Scheme; and
- No reduction in the building setbacks to the adjacent property Lot 10652.

And further subject to conditions as determined by the delegate.

REASON FOR THE DECISION

1. The consent authority requires confirmation that the tabled plans will not create any additional non-compliance with the requirements of the NT Planning Scheme with no reduction in the building setbacks to the adjacent property Lot 10652 to ensure appropriate residential amenity is maintained.

ACTION: Advice to Applicant

ITEM 8
PA2014/0956
APPLICANT

36 X 2 AND 18 X 3 BEDROOM MULTIPLE DWELLINGS IN 3 X 3 STOREY
BUILDINGS PLUS 1 LEVEL OF BASEMENT CAR PARKING
LOT 4888 (335) STUART HIGHWAY, TOWN OF DARWIN
ASHFORD GROUP PTY LTD

DAS tabled further comments from submitter.

Mr Randal Ashford (Ashford Group Pty Ltd), Mr Brad Cunnington (Northern Planning Consultant), Mr Gordon Boytel and Mr Paul Andonaros (AGD Engineering) and Mr John & Mr Mathew Tomatzos attended.

Submitter Mr Bob White sent his apologies.

Submitters Mr Shane Watson and Mr Scott Baily attended.

**RESOLVED
115/15**

That, the Development Consent Authority vary the requirements of Clauses 6.5.3 (Parking Layout), Clause 7.1.1 (Residential Density Limitations), 7.3 (Building Setbacks of Residential Buildings), 7.3.1 (Additional Setback Requirements for Residential Buildings longer than 18m and for Residential Buildings Over 4 Storeys in Height) and 7.4 (Building Setbacks and Fencing of Multiple Dwellings and Supporting Accommodation in Zone MR) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 4888 (335) Stuart Highway, Town of Darwin for the purpose of 36 x 2 bedroom and 18 x 3 bedroom multiple dwellings in a 3 storey building comprising 3 residential blocks plus 1 level of basement car parking, subject to the following conditions:

CONDITIONS PRECEDENT

1. Before the development starts, a landscape plan to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and two copies must be provided. The plan must be generally consistent with the concept landscaping plan submitted with the application but must include:
 - (a) a survey (including botanical names) of all existing vegetation to be retained and/or removed;
 - (b) details of surface finishes of pathways and driveways;
 - (c) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity, and quantities of each plant;All species selected must be to the satisfaction of the consent authority
2. Prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Darwin stormwater drainage system shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority.
3. Prior to the commencement of works (including site preparation), the applicant is to prepare a dilapidation report covering infrastructure within the road reserve to the requirements of the City of Darwin, to the satisfaction of the consent authority.
4. Prior to the commencement of works (including site preparation) a waste management plan in accordance with Council's Waste Management Policy is required to be submitted, to the requirements of the City of Darwin, to the satisfaction of the consent authority.

5. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare an Environmental Construction Management Plan (ECMP), to the requirements of the City of Darwin, to the satisfaction of the consent authority. The ECMP is to address how construction will be managed on the site, and is to include details of the haulage of excavated and new materials, traffic management for construction vehicles, fencing and hours of construction.
6. 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/ Department of Transport (whichever relevant), 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 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.
9. 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.
10. 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 development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
11. Before the use or occupation of the development starts, the area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat;
 - (d) 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.

12. Before occupation of the development starts the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
13. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
14. The 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.
15. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to City of Darwin, to the satisfaction of the consent authority.
16. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin to the satisfaction of the consent authority.
17. All air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view and 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.
18. 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.
19. 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.

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. 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.

3. You are advised to contact NBN Co prior to commencing construction to determine if your development is in an NBN-eligible area. This will help identify the relevant telecommunication network servicing requirements for the development.

To register, please complete the pre-qualification forms located at www.nbnco.com.au/newdevelopments. For more information, please contact the NBN Co New Developments Team on 1800 687 626 or email newdevelopments@nbnco.com.au

4. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
5. The consent authority noted at the time of determining the application the intention for stormwater grates at the lower portion of the rear wall to allow for permeability of stormwater flows from the adjacent land.

REASONS FOR THE DECISION

1. Lot 4888 is located within Zone MR (Medium Density Residential) of the Northern Territory Planning Scheme. The primary purpose of this zone is to provide for a range of housing options to a maximum height of four storeys above ground level. Development should be of a scale, character and architectural style compatible with the streetscape and surrounding development.

The proposal is for redevelopment of the site with a three storey building. The style and scale of the development shows consideration for the adjoining Zone SD land by limiting the height of the development to three storeys as required.

The development is considered to be generally reflective of the style and scale of development reasonably anticipated given the zoning, location of the site and bordering Zone SD properties to the north.

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

The Northern Territory Planning Scheme applies to the land. The proposal for multiple dwellings is discretionary and is subject to Part 4 of the Scheme. Clause 2.5 (Exercise of Discretionary by the Consent Authority) requires that the DCA only vary requirements specified in Part 4 of the Scheme where it is satisfied that special circumstances justify the

giving of consent.

The consent authority considers that the proposal complies with Clauses 6.5.1 (Parking Requirements), 7.1.2 (Residential Height Limitations), 7.5 (Private Open Space), 7.6 (Communal Open Space) and 7.7 (Landscaping for Multiple Dwellings, Hostels and Supporting Accommodation) and meets the objectives of 7.8 (Building Design for Multiple Dwellings, Hostels and Supporting Accommodation) of the Scheme. The proposal is assessed as non-compliant with the standards of Clauses 6.5.3 (Parking Layout), 7.1.1 (Residential Density Limitations), 7.3 (Building Setbacks of Residential Buildings), 7.3.1 (Additional Building Setbacks for Residential Buildings Longer Than 18m...) and 7.4 (Building Setbacks and Fencing of Multiple Dwellings and Supporting Accommodation in Zone MR).

In relation to Clause 6.5.3 (Parking Layout) and the non-compliance created by the distance of the parking area from the road and the slight bay intrusions caused by building columns, the consent authority considers that the applicant has adequately justified the variations sought. The applicant has identified that despite the non-compliant separation from the street, the car park will be fully enclosed and screened from the road such that the required visual screening of the car park will still be achieved. The applicant has also identified that the design is still appropriate despite the slight column intrusion into some car parking bays given that the layout and spacing of the car park still complies with the applicable Australian Standard. The consent authority considers this appropriate as the Scheme does not provide guidance for the full range of situations such as this and the applicant has identified an acceptable design solution.

In relation to Clauses 7.1.1 (Residential Density Limitations) and 7.3 (Building Setbacks of Residential Buildings) the applicant has identified a number of features of the site and locality that are considered to represent special circumstances to justify the required variations. In particular, the applicant has identified that the subject site is one of only three Zone MR sites from Darwin to Katherine that directly adjoin the Zone M (Main Road) associated with the Stuart Highway, that the lot is of an unusual shape and orientation, the immediate proximity of community services and facilities available to service the future development, the lack of potential traffic impacts given the specific site features and locality including that the site is the only residential property that has direct access to the service road, and that the development is consistent with the draft NT Government Urban Growth Policy including that the site is within 100m of a neighbourhood centre and major transport route which puts the site into the highest potential urban growth density area identified by the draft policy. The consent authority considers that these features constitute special circumstances to warrant the variations to Clauses 7.1.1 and 7.3.

In relation to Clause 7.3.1 (Additional Setback Requirements for Residential Buildings Longer Than 18m....) the Scheme establishes a separate test for consideration of variations to the standards of the clause. Unlike other clauses in Part 4, this clause specifically allows the consent authority to vary the requirements if it is satisfied that the design of a residential building is such that it will minimise any adverse effects of building massing and visual bulk when viewed from adjoining land and the street. The application has demonstrated that the amended design incorporates provision of additional landscaping to the rear of the building and that through 'significant and extensive variations in building design and outward appearance through the use of colour, windows and door openings and, most importantly, numerous wall setbacks for individual buildings, the development will minimise any adverse effects of building massing and visual bulk.' In addition, the consent authority considers that the revisions made to the design that re-orientates 'building 1' and 'building 2' and the reductions made to the length of the building further minimise building massing and visual bulk of the parts of the building that are visible from adjoining land and the street.

In relation to Clause 7.4 (Building Setbacks and Fencing of Multiple Dwellings and Supporting Accommodation in Zone MR) the application requires a variation to the 3m landscaping requirement to the rear boundary that adjoins land in Zone SD (Single Dwelling). The applicant's proposed treatment of the 3m setback which includes dense landscaping together with taller canopy trees will ensure that the development is visually screened from adjoining land as required and that the visual and acoustic impact of the development is minimised as required by the purpose statement of the clause. A requirement to submit a more detailed landscape plan will ensure appropriate plant selection.

3. Pursuant to section 51(e) of the *Planning Act*, the consent authority must take into account any submissions received under section 49.

Eight public submissions were received under section 49 of the Act in response to the initial exhibition of the proposal. All submissions were in opposition to the development. The key issues raised in submissions included non-compliance with the NT Planning Scheme and NT Planning Act, potential overlooking, stormwater drainage, dwelling density and traffic impacts.

The applicant is considered to have demonstrated the existence of special circumstances for the variations to the minimum standards of the Scheme. The revised plans now include additional screen treatment to open walk-ways with the potential for views over adjoining Zone SD sites which is considered to adequately address the concerns for overlooking. The design complies with the building setback requirements to the rear boundary specified by Clauses 7.3 and 7.4 which should minimise undue amenity impacts to properties to the rear of the site.

The level of compliance achieved with the Scheme's requirements relating to the number of car parking bays, private open space,

communal open space and landscaping will further ensure that no adverse amenity impacts occur as a result of the development.

ACTION: Notice of Determination

ITEM 9
PA2015/0158
APPLICANT

SUBDIVISION TO CREATE 9 LOTS
SECTION 6440 (52) MILES ROAD, HUNDRED OF BAGOT
NORTHERN PLANNING CONSULTANTS

Mr Brad Cunnington (Northern Planning Consultants) attended.

RESOLVED
116/15

That, pursuant to Section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Section 6440 (25) Miles Road, Hundred of Bagot for the purpose of subdivision to create 9 lots, subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with drawing 2015/0158/01 endorsed as forming part of this permit.
2. The owner of land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
3. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for approval by the Surveyor General.
4. Engineering design and specifications for the affected roads, stormwater drainage, vehicular access, pedestrian/cycle corridors and streetscaping are to be to the technical requirements of City of Darwin to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
5. 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 to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

2. The Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency's Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
3. The consent authority noted at the time of determining the application the intention for the provision of underground electricity provision to the created lots.

REASONS FOR THE DECISION

1. Pursuant to Section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. The subdivision is compliant with the requirements of Zone SD31 including with the minimum and average lot size, and is expected to allow for future development in accordance with the zone provisions. The lots will allow for the development of the range of intended land uses identified on the master plan endorsed through the original subdivision of Zone SD31.
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 and the effect of the development on the land and on other land. No land capability concerns were identified as part of the assessment and the subdivision is consistent with the broader locality. The subdivision is limited to the provision of internal lot boundaries only, and proposes no changes to the surrounding road network as constructed during the original subdivision of Zone SD31.

ACTION: Notice of Consent and Development Permit

ITEM 10 **MIXED USE DEVELOPMENT COMPRISING SERVICE STATION, RESTAURANTS**
PA2015/0052 **AND SHOPS**
APPLICANT **LOT 3998 (209) STUART HIGHWAY, TOWN OF DARWIN**
UNITED PETROLEUM

DAS tabled additional comments from Elton Consulting on behalf of submitter Mr Duncan Price.

Mr Chris Hatcher (United Petroleum) and Mr Ben Wilson (MFY) attended.

Submitter Mr Joshua Bellette sent his apologies.

RESOLVED That, the Development Consent Authority vary the requirements of Clauses 6.5.3
117/15 (Parking Layout), 8.1.4 (Service Stations), 8.3 (Setbacks for Commercial Uses Adjacent
to Land in Zone SD, MD, MR or HR) and grant a 5 bay reduction to onsite car
parking pursuant to Clause 6.5.2 (Reduction in Parking Requirements) of the

Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 3998 (209) Stuart Highway, Town of Darwin for the purpose of a mixed use development comprising service station, restaurant and shops, 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 landscape plan to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The landscaping plan must be generally in accordance with the landscape concept plan and must include:
 - a) details of surface finishes of pathways and driveways;
 - b) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity, and quantities of each plant. Mature planting species must be provided to the landscaped setback to Railway Street;
 - c) provision of an in ground irrigation system to all landscaped areas;
 - d) details of low-level/downward shining lighting within the landscaping area along Railway Street to provide for added community safety.All species selected must be to the satisfaction of the consent authority.
2. Prior to endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to provide amended swept path diagrams to the requirements of the Department of Transport, to the satisfaction of the consent authority.
3. Prior to the commencement of works (including site preparation), the applicant is to prepare a schematic plan demonstrating all stormwater can be collected on the site and discharged to Council's stormwater drainage system, to the requirements of City of Darwin, to the satisfaction of the consent authority.
4. Prior to the commencement of works (including site preparation), the applicant is to prepare an Environmental Construction Management Plan (ECMP) and/or Construction Traffic Management Plan (CTMP) [whichever deemed relevant by the relevant authority], to the requirements of the City of Darwin and Department of Transport, to the satisfaction of the consent authority. The ECMP/CTMP is to address how construction will be managed on the site, and is to include details of the haulage of excavated and new materials, haulage routes, vehicle types, traffic management for construction vehicles, fencing, hours of construction, protection of existing assets and a risk assessment.
5. Prior to the commencement of works (including site preparation) a waste management plan in accordance with Council's Waste Management Policy is required to be submitted, to the requirements of the City of Darwin, to the satisfaction of the consent authority.
6. 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.

7. Prior to the commencement of works (including site preparation), the applicant is to prepare a dilapidation report covering infrastructure within the road reserve to the requirements of the City of Darwin, to the satisfaction of the consent authority.

GENERAL CONDITIONS

8. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
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 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. 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. 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 City of Darwin and/or Department of Transport [as the case may be], to the satisfaction of the consent authority.
14. 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;
 - (g) to the satisfaction of the consent authority.
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
15. Appropriate signage must be provided at the entry to the site from the Stuart Highway to warn drivers entering the site to watch for pedestrians and/or cyclists to the requirements of the Department of Transport, to the satisfaction of the consent authority.
 16. 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.
 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. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the emission of noise, artificial light, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 19. Appropriate protection must be provided to contain potential spills of waste and prevent contaminants from entering adjacent properties, roadways, and the stormwater drainage system. The fuel delivery area shall be designed and constructed such that spillage and run-off containing waste is free from cross-contamination and isolated from the stormwater system to the requirements of the Department of Transport, 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, 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.
 21. All external plant and equipment located adjacent to Railway Street must be acoustically treated or placed in sound proof housing to reduce noise to a level satisfactory to the consent authority.
 22. 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.
 23. 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.
 24. Headlight barriers must be installed to the drive through area along the Stuart Highway frontage to prevent headlights being noticeable or causing nuisance to

Stuart Highway traffic to the requirements of the Department of Transport, to the satisfaction of the consent authority.

25. No goods are to be stored or left exposed outside the building(s) so as to be visible from any public street
26. Storage for waste disposal bins is to be provided to the requirements of (insert Council) to the satisfaction of the consent authority.
27. Fuel deliveries made to the site are to occur outside of peak traffic times, 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. A "Permit to Work Within a Road Reserve" may be required from the City of Darwin and/or Department of Transport [whichever relevant] before commencement of any work within the road reserve.
3. The finish of any Prime Identification sign, if erected, shall be such that, if illuminated day and night readability is the same and is of constant display (i.e. not flashing or variable message). The sign shall be positioned:
 - a) so as not to create sun or headlight reflection to motorists; and
 - b) be located entirely (including foundations and aerially) within the subject lot.
4. The Department of Transport advise that advertising signage, either permanent or temporary e.g. 'A' frame, vehicle or trailer mounted shall not be erected or located within the Stuart Highway road reserve.
5. Any floodlighting or security lighting provided on site should be shielded in a manner to prevent the lighting being noticeable or causing nuisance to Stuart Highway traffic.
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. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made

prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.

8. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the National Construction Code of Australia, the *NT Public Health Act* and Regulations, the *NT Food Act* and National Food Safety Standards.

REASONS FOR THE DECISION

1. Lot 3998 is within Zone SC (Service Commercial) of the Northern Territory Planning Scheme. The primary purpose of the zone is to provide for commercial activities which, because of the nature of their business or size of the population catchment, require large sites. The nature of the mixed use development is considered to be well suited to the zoning of the land given the specific area requirements required for a service station and drive-through restaurant. The design takes into consideration the zoning of surrounding land and provides appropriate buffers to address any potential adverse amenity impacts typical of commercial sites.
2. A 5 bay reduction in onsite car parking is considered acceptable in this instance as the applicant has adequately demonstrated that the projected parking demands for the site are likely to be lower than projections suggested by the Northern Territory Planning Scheme. The applicant has demonstrated that the mix of uses is likely to result in multi-purpose trips which are likely to lower actual parking demand for the site by between 5-7 bays which is supported by the traffic report prepared by MFY traffic consultants.
3. A variation to the requirements of clause 6.5.3 (Parking Layout) to allow a reduction in onsite landscaping at the front of the site is considered acceptable in this case given the nature of the use and additional landscaping provided elsewhere on the site that will soften the impact of the parking area. A detailed landscape plan is required prior to endorsement of plans to confirm the type, quantity and location of landscaping to ensure the visual impact of the car parking areas is minimised.
4. A variation to the requirements of clause 8.14 (Service Stations) to allow a vehicle crossing of a width of 13m instead of the 9m permitted is considered acceptable as an appropriate design solution has been provided to ensure pedestrians have a point of refuge while crossing the vehicle crossing.
5. A variation to the requirements of clause 8.3 (Setbacks for Commercial Uses Adjacent to Land in Zones SD, MD, MR or HR) to allow a setback to Railway Street of 3m instead of the 5m setback required is considered acceptable as the design and site layout is considered to provide the same amenity protections to residents of land in Zone SD than a fully

compliant setback. The inclusion of compliant landscaping along Railway Street will ensure an appropriate buffer is provided. Submission of a detailed landscape plan is required to ensure the height and depth of landscaping is adequate to meet the purpose of clause 8.3.

6. The requirement for a stormwater plan, waste management plan, dilapidation report and environmental construction management plan has been included at the request of the City of Darwin.
4. Pursuant to section 51(e) of the *Planning Act*, the consent authority must take into consideration any submissions made under section 49 in relation to the development application. Two public submissions were received during exhibition of the application with issues raised relating to the nature and design of the development in this location, access arrangements, and in ensuring that residential amenity is adequately protected. Matters relating to the nature of the development in Zone SC (Service Commercial) and access arrangements are considered suitably addressed. Conditions are included relating to lighting and illuminated signage, waste management, the location and insulation of mechanical equipment along Railway Street, and the submission of a detailed landscape plan providing details of the landscape treatment to Railway Street to protect residential amenity.

ACTION: Notice of Determination

ITEM 11 **VARIATION OF DEVELOPMENT PERMIT: 24 X 2 BEDROOM MULTIPLE**
PA2012/0453 **DWELLINGS IN 3 X 3 STOREY BUILDINGS**
 LOT 9716 (5) ROTHDALE ROAD, TOWN OF NIGHTCLIFF
APPLICANT **YELLOWCITY PTY LTD**

Mr Terry Nixon (Yellowcity Pty Ltd) attended.

RESOLVED That, Development Consent Authority defer consideration of the application to vary
118/15 Condition 5 of Development Permit DP13/0011 ~~DP13/0843A~~ for the purpose of
changes to the communal open space, landscaping, and loading area to require the
applicant to provide the following information that the authority considers necessary
to enable proper consideration of the application:

- Further information and/or amended plans to demonstrate that a quality, useable communal open space area is achieved with regard to Clause 7.6 (Communal Open Space) including in relation to the overall dwelling density granted through DP13/0011, the type of activities anticipated to be provided for, the projected needs of children for outdoor play, the provision of landscaping and shade, and future maintenance and management requirements.

REASON FOR THE DECISION

1. The consent authority has deferred consideration of the proposal to allow the applicant to provide additional information it considers necessary to

enable the proper consideration of the proposal, including to ensure a quality, functional and useable communal open space area is achieved to provide for suitable amenity for future residents, with regard to the additional dwelling density granted through DP13/0011.

ACTION: Advice to applicant

ITEM 12
PA2015/0131
APPLICANT

RESTAURANT IN A SINGLE STOREY BUILDING
LOT 8657 (259) CASUARINA DRIVE, TOWN OF NIGHTCLIFF
RAY LAURENCE CONSTRUCTIONS PTY LTD

Pursuant to section 97(1) of the *Planning Act*, Mr Bob Elix and Mr Garry Lambert members of the Darwin Division of the Development Consent Authority declared a conflict of interest and were not present during and did not take part in any deliberation or decision of the division in relation to this item.

Mr Charlie Dickman (Ray Laurence Constructions), Ms Wendy Smith (Elton Consulting), Mr Adam Prentice (Hames Sharley) attended. Mr Luccio Cercarelli, Ms Cindy Robson and Mr Brian Sellers (all from City of Darwin) attended.

Submitters Mr Simon Scally, Ms Patsy Hickey, Ms Dianne Koser, Mr Anthony Young, Mr Graeme Hockey, Ms Carolyn Marriott, Mr John Antella, Mr John Love, Miss Margaret Clinch (Plan), Ms Marisa Fontes, Ms Gail Warman, Ms Graham Kirby, Mr Alan Feigan attended.

Interested parties who attended:- Mr Bill Day, Mr Rob Inder-Smith and Ms Tamara Howie (NT News) attended.

RESOLVED
119/15

That, pursuant to section 53(b) of the *Planning Act*, the Development Consent Authority alter the proposed development and consent to the proposed development as altered to develop Lot 8657 (259) Casuarina Drive, Town of Nightcliff for the purpose of a restaurant in a single storey building, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the amended plans submitted on 17 April 2015 (by Elton Consulting) but must include:
 - a. Parking bay dimensions that comply with the dimensional requirements specified by Clause 6.5.3 (Parking Layout) of the NT Planning Scheme;
 - b. Confirm that the roofing material and colour choice will be non-reflective;
 - c. Clarify the scope of works to clearly show that the following will occur as part of the restaurant development:
 - i. the western car park upgrade;
 - ii. all landscaping works;
 - iii. the construction of the new path-way around the perimeter of the site to the north of the pool;

- iv. the construction of the new path-way to the south of the existing driveway parallel to Casuarina Drive; and
- v. the removal of the existing path-way within the driveway parallel to Casuarina Drive.

- 2. Prior to the endorsement of plans and prior to the commencement of works, confirmation shall be provided from a suitably qualified person that on-site car parking arrangements have been designed with a view to minimise the potential for conflicts between pedestrian, cyclist, and general and service vehicle movements.
- 3. Prior to the endorsement of plans and prior to commencement of works (including site preparation), a landscape plan to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The landscaping plan must be generally in accordance with the revised plans submitted on 17 April (by Elton Consulting) but show:
 - a. a survey (including botanical names) of all existing vegetation to be retained and/or removed;
 - b. details of surface finishes of pathways and driveways;
 - c. a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity, and quantities of each plant including landscaping around/within the western car park, used as part of vertical gardens and directly adjacent to the restaurant including within the alfresco area;
 - d. additional shade trees or similar planting that provides additional shade to western side of the building, and within the western car parking area; and
 - e. additional details of the green wall proposed to the restaurant building. All species selected must be to the satisfaction of the consent authority.

GENERAL CONDITIONS

- 4. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
- 5. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
- 6. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
- 7. 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;
 - 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;
 - g. to the satisfaction of the consent authority.
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
8. 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.
 9. Prior to commencement of the use the 'new shared path' along the northern boundary and around the perimeter of the site must be completed.
 10. 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.
 11. Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the consent authority.
 12. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, to the satisfaction of the consent authority.
 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. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building.
 16. 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.

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. 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.
3. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the National Construction Code of Australia, the *NT Public Health Act* and Regulations, the *NT Food Act* and National Food Safety Standards.
4. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
5. The consent authority noted at the time of determining the application the intention for double glazing or other high performance glass to the western façade of the restaurant building.

REASONS FOR THE DECISION

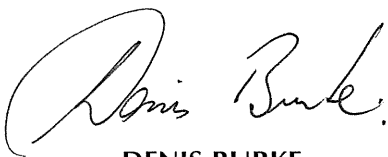
1. Lot 8657 is within Zone OR (Organised Recreation) of the Northern Territory Planning Scheme. The primary purpose of Zone OR is to provide areas for organised recreational activities. Development is to be limited to that which is consistent with the recreational opportunities of the land. The application proposes the addition of a new restaurant adjacent to an existing Council owned swimming pool. The restaurant will be located over an area currently sealed and used for informal car parking. The proposal is considered to align with a common definition of 'recreation' which includes a pastime, exercise or other resource that affords relaxation or enjoyment. Use of the land for a restaurant is not considered to jeopardise the ongoing use of other parts of the site as intended by the zone.
2. The revised proposal performs well against the minimum standards of the Northern Territory Planning Scheme. The level of compliance achieved and the additional information required is expected to ensure no unreasonably amenity impacts.
3. Conditions requiring submission of further information is required to confirm the scope of works and ensure the car parking layout is function and convenient and that the roof material/colour is non-reflective. A condition requiring completion of the new shared paths along the

northern boundary of the site, and between the internal driveway and Casuarina Drive to the south of the site are to be completed prior to commencement of the use is required to ensure that appropriate access is provided through the site for pedestrians and cyclists and to reduce the potential for conflict between pedestrian, cyclist, and general and service vehicle movements.

4. Pursuant to section 51(e) of the *Planning Act*, the consent authority must take into account any submissions received under section 49. A total of 41 public submissions were received under section 49 of the Act in response to the exhibition of the proposal. The key issues raised in submissions included the nature of the development, clarification of staging and the works proposed, traffic and safety concerns, licencing matters, building design, landscaping design, and impact on views. The submissions have been considered by the consent authority in making its determination. The conditions require confirmation of the works proposed, including to address traffic and safety concerns and the parking layout, and the provision of additional landscaping details. The building design is single storey and has a comparable height to other existing buildings and structures on the site.
5. Pursuant to section 51(j) of the *Planning Act*, the consent authority must take into account the capability of the land to which the proposed development relates. The proposal is for the use of existing serviced land for a restaurant and no service authority raised any concerns with the capability of the land. The plans illustrate a 25m setback from the solid walls of the building to the cliff edge.

ACTION: Notice of Consent and Development Permit

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



DENIS BURKE
Chairman

14/5/15