



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 232 – FRIDAY 25 MAY 2014

BROLGA ROOM
NOVOTEL DARWIN ATRIUM
100 THE ESPLANADE
DARWIN

MEMBERS PRESENT: Peter McQueen (Chairman), Grant Tambling, Ross Baynes, Robin Knox and Jeanette Anictomatis

APOLOGIES: Garry Lambert

OFFICERS PRESENT: Margaret Macintyre (Secretary), Linda Henning, Dawn Parkes and George Maly (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 9.30 am and closed at 12 noon

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

ITEM 1 **ADDITIONS TO AN EXISTING CARAVAN PARK COMPRISING AN ANCILLARY RECREATION BUILDING AND BUS SHELTER PLUS CHANGES TO DRIVEWAY ACCESS AND VISITOR CARPARKING**
PA2014/0258 **SECTION 3244 (11) FARRELL CRESCENT, HUNDRED OF BAGOT**
APPLICANT **MASTERPLAN NT**

Mr Nigel Bancroft and Mr Simon Tonkin (Masterplan NT) attended.

RESOLVED That, pursuant to section 53(a) of the *Planning Act*, the Development Consent
105/14 Authority consent to the application to develop Section 3244 (11) Farrell Crescent, Hundred of Bagot for the purpose of additions to an existing caravan park in 2 stages comprising an ancillary recreation building and bus shelter plus changes to driveway access and visitor car parking, subject to the following conditions:

CONDITIONS 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'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, the applicant is to prepare a Construction Environmental Management Plan (CEMP), to the requirements of the City of Darwin, to the satisfaction of the consent authority. The CEMP 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.

GENERAL CONDITIONS

3. The works carried out under this permit shall be in accordance with drawings 2014/0258/1 to 2014/0258/4, endorsed as forming part of this permit.
4. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, internal firefighting arrangements, drainage, sewerage facilities and electricity to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

6. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the City of Darwin and NT Fire and Rescue Service, to the satisfaction of the consent authority.
7. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways;
 - (c) collect stormwater and discharge it to the drainage network; and
 - (d) undertake reinstatement works;all to the technical requirements of, and at no cost to, the City of Darwin, to the satisfaction of the consent authority.
8. Before the use or occupation of the development starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat; and
 - (d) drained;to the satisfaction of the consent authority.
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
9. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it will obscure sight lines at the junction of the driveway and the public street.
10. Waste bin storage and pick-up shall be provided in accordance with City of Darwin Policy Number 54 – Waste Management, to the requirements of City of Darwin, to the satisfaction of the consent authority.
11. The recreation building shall be constructed such that it meets the acoustic performance ratings given in Australian Standard AS 2021 – 2000 '*Acoustics – Aircraft Noise Intrusion – Building Siting and Construction*'.
12. The site is to be kept clean of rubbish and any storage of waste is to be managed at all times in a manner so as to not attract birds or bats, to the satisfaction of the consent authority.
13. The recreation building is ancillary to the existing caravan park development and is only to be used by residents and staff of the caravan park.
14. The site is to be kept clean of rubbish and any storage of waste is to be managed at all times in a manner so as to not attract birds or bats, to the satisfaction of the consent authority.
15. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

16. 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. 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 Department of Defence and Darwin International Airport advise that any lighting installed as part of the development must comply with section 9.21 '*Lighting in the Vicinity of Aerodromes*' of the CASA Manual of Standards Part 139, available at:
<http://www.casa.gov.au/wcmswr/assets/main/rules/1998casr/139/139mfull.pdf>.
3. The Department of Lands, Planning and the Environment's 'Environment Protection Agency' advises that construction work should be conducted in accordance with the Department's Noise guidelines for development sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
4. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to Council.
5. Notwithstanding the approved plans, any works and/ or landscaping within Council's road reserve is subject to Council's approval and shall meet all Council's requirements to the satisfaction of the City of Darwin and at no cost to Council.

REASONS FOR THE DECISION

1. The proposed development is ancillary to the existing caravan park and consistent with the primary purpose of Zone CV (Caravan Parks), being "to provide for caravan parks".
2. The introduction of a recreation building and internal bus shelter to an existing caravan park is compatible with the existing use on the site. Subject to the satisfaction of all conditions, including the requirement to meet acoustic treatment criteria, no amenity impacts are expected to the development or surrounding area.
3. Construction to the standards of Australian Standard AS 2021 – 2000 '*Acoustics – Aircraft Noise Intrusion – Building Siting and Construction*' shows that the proposal acknowledges the ANEF contour value that affects the land, and ensures that the recreation building will be protected against the majority of noise impacts resulting from the site's

proximity to Darwin airport. The development satisfies the purpose of clause 6.9 (Land in Proximity to Airports) of the Planning Scheme, to “minimise the detrimental effects of aircraft noise on people who reside or work in the vicinity of an airport”.

4. Satisfaction of section 9.21 '*Lighting in the Vicinity of Aerodromes*' of the CASA Manual of Standards Part 139 is required in order to meet subclause 4 of clause 6.9 (Land in Proximity to Airports), which requires that “lighting associated with development on land within flight approach paths is not to prejudice the safe operation of an airport”.
5. It is necessary the site is kept clean of rubbish and any waste which is stored on the site is to be covered at all times to ensure that the development is in accordance with subclause 5 of clause 6.9 (Land in Proximity to Airports) which states that the development of “land is not to be of a nature that attracts birds or bats to an extent that prejudices the safe operation of an airport”.
6. 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 appropriate 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
PA2014/0255
APPLICANT

ADDITION OF SOLAR PANELS TO ROOF OF EXISTING BUILDING
LOT 9576 (247) TROWER ROAD, TOWN OF NIGHTCLIFF
JUNE D'ROZARIO & ASSOCIATES PTY LTD

Ms June D'Rozario (June D'Rozario & Associates) and from Casuarina Square – Mr Ben Gill (General Manager) and Mr James Jones (Office Manager) attended.

RESOLVED
106/14

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 9576 (247) Trower Road, Town of Nightcliff for the purpose of the addition of solar photovoltaic panels to the roof of the existing buildings subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings numbered 232834/Arup-001/02 and 232834/Arup-002/02 endorsed as forming part of this permit.
2. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage and electricity facilities to the

development shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.

4. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - (a) appearance of any structures or materials;
 - (b) emission of artificial light, or reflection of natural or artificial light; or
 - (c) presence of vermin.
5. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the buildings.

NOTES:

1. This permit will expire if one of the following circumstances applies:
 - (a) the development *and use is/are* not started within *two* years of the date of this permit; or
 - (b) the development is not completed within *four* years of the date of this permit. The consent authority may extend the periods referred to if a request is made in writing before the permit expires.
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

REASONS FOR THE DECISION

1. 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.

Pursuant to clause 6.5.1 (Parking Requirements) the consent authority has determined a zero car parking requirement for the proposed development on the basis that no additional permanent on-site staff will be required for the proposed development.

The proposal is considered to be generally in accordance with all relevant requirements of the NT Planning Scheme.

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

The consent authority is of the opinion that the proposal is screened from the view of the general public at ground level by virtue of its proposed siting on the roof of the existing building, additionally the reflectivity of the panels is far less than the existing structure and therefore will improve

amenity for any persons located above the use in the student accommodation development by reducing glare.

ACTION: Notice of Consent and Development Permit

ITEM 3
PA2014/0239
APPLICANT

COASTAL LANDFILL FOR THE PURPOSE OF EXTENDING THE DRY BOAT STORAGE AREA
LOT 7289 (50) COLIVAS ROAD, TOWN OF DARWIN
CSHIPS

Mr Glen Ewers (Environmental Consultant EcOz) and Ms Narelle Walkom (EcOz), Mr Gordon and Mr Michael Onn (owners) attended.

Submitter Ms Fiona Douglas sent her apologies.

Submitter Ms Helen Haritos attended.

RESOLVED
107/14

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 7289 (50) Colivas Road, Town of Darwin for the purpose of land reclamation (coastal land fill) to allow for an expansion of the existing dry dock storage on the site, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of any works an amended Construction and Environmental Management Plan (CEMP) for the construction and management of the existing coastal land fill and the operation of the use, must be submitted to and approved by the consent authority on the advice of City of Darwin and the NT Environment Protection Authority. When approved, the CEMP will form part of the permit. The use must at all times be conducted in accordance with the endorsed plan which may be suitably amended from time to time to reflect best practice environmental management. The CEMP must include:
 - a) overall environmental objectives for the operation of the use and techniques for their achievement;
 - b) identification of possible risks relating to structural performance of the fill and the concrete wash down area in storm surge and flood events and the likely impacts of coastal hydrodynamics on the works and the adjoining land over time and to provide appropriate mitigation strategies and response measures to be implemented in accordance with relevant Australian Standards;
 - c) procedures to ensure that no significant adverse environmental impacts occur as a result of the use including an impact on the adjoining Ludmilla salt pans;
 - d) proposed monitoring systems including the name and contact details of the contractor and/or the site supervisor;
 - e) waste management systems;
 - f) traffic control;
 - g) use of Council owned land;
 - h) a schematic stormwater management plan;
 - i) location of erosion and sediment controls and techniques;

- j) day to day management requirements for the use; and
 - k) excavation works schedule describing how the works will be scheduled, co-ordinated and monitored with respect to seasonal and tidal regime and risks associated with Acid Sulphate Soil exposure;
 - l) Acid Sulphate Soils Management Plan incorporating information on expected volume of excavated material to correspond with the proposed location on the site where the affected soil will be treated; and
 - m) Water Quality Monitoring Program demonstrating a more comprehensive monitoring regime during the excavation stage of the proposed works.
2. Prior to the commencement of any further coastal land fill works, amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - cross sections of the proposed works area and immediate adjacent land on both sides showing estimated original site levels, current site levels and proposed finished site levels, all to Australian Height Datum (AHD);
 - Engineering details which, at a minimum, demonstrates the structural integrity of the proposed works, so that there will no adverse hydrological or contaminant/ waste impacts on the surrounding area, both during and after the proposed works. A hydrological assessment may be required in respect to potential upstream and downstream impacts of the filling; and
 - The application to include details of the areas already filled along the north-eastern most boundary of the land, including (but not necessarily limited to), cross sections and levels of the existing filled area and immediate adjacent land on both sides.
 3. Prior to the commencement of works an updated Erosion and Sediment Control Plan (ESCP), including details and location of stormwater drains, is to be prepared to the requirements of an independent suitably qualified professional and submitted to and approved by the consent authority on the advice of the Department of Land Resource Management, and an endorsed copy of the Plan will form part of this permit. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the satisfaction of the consent authority. The Department of Land Resource Management advises that the IECA Best Practice Erosion and Sediment Control Guidelines 2008 may be referenced as a guide to the type of information, detail and data that should be included in the ESCP.
 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 use must at all times must be conducted in accordance with the Construction and Environmental Management Plan, endorsed as forming part of this permit, to the satisfaction of the consent authority.
7. Construction and delivery vehicles shall not be parked on Colivas Road road reserve.
8. Appropriate protection shall be provided to contain potential spills of waste and prevent contaminants from entering adjacent properties, roadways, and the stormwater drainage system (and subsequently Ludmilla Creek).
9. 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 and to the satisfaction of the consent authority.

REASON FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into account any planning scheme that applies to the land to which the application relates.
2. The proposal is considered consistent with the purpose of Zone SD14 (Specific Use Darwin No. 14) where consent for the use of the additional land for dry dock boat storage is required.
3. The application is inconsistent with provisions of clause 6.14 (Land Subject to Flooding and Storm Surge) of the NT Planning Scheme which requires the applicant to demonstrate that the land is or can be appropriately filled so as to make it capable of accommodating the proposed use. The site lies within the zone of 1% AEP of inundation by storm surge defined for locality at 5.1m AHD and the land is not proposed to be filled to above the declared storm surge level.

The area of the coastal fill and land reclamation forms relatively small part of the existing operation which is already subject to storm surge inundation and which is not subject to this application. On this basis the proposed land reclamation and expansion of the dry dock boat storage to that area is supported as the applicant identifies risks associated with the reclamation works and suitable mitigation strategies capable of addressing those risks to a significant extent.

4. The application includes Construction and Environmental Management Plan which identifies relevant environmental risks associated with the proposed works and provides detail of the impact of the completed works on adjoining land and waters and does not consider any such impact likely to occur. Consideration of these issues during the design stage has long term environmental and economic benefits, whereas mitigation of problems after they have arisen is often time consuming and costly. As such the application meets the requirements of clause 6.15 (Coastal Landfill) of the NT Planning Scheme.

5. The requirement for further information to be included in the Construction and Environmental Management Plan for the proposed works is based on recommendations of relevant agencies and seeks to address concerns of the objectors who raised concerns over potential impact of the proposed works on the surrounding area.
6. It is anticipated that the amended Construction and Environmental Management Plan will incorporate a more integrated schedule of works and monitoring regime to ensure that issues identified, particularly in relation to the onsite management of acid sulphate soils, and other issues relating to the effects of coastal hydrodynamics can be reasonably addressed in a timely manner.

ACTION: Notice of Consent and Development Permit

**ITEM 4
PA2014/0216
APPLICANT**

**SINGLE DWELLING WITH REDUCED FRONT SETBACK
LOT 7810 (2) NOTLEY PLACE, TOWN OF DARWIN
DLP DEVELOPMENTS**

Mr Darron Lyons (DLP Developments) and Ms Annette Hammersmith (owner) attended.

Submitters Mr Paul & Mrs Kathryn Zerafa attended.

**RESOLVED
108/14**

That, the Development Consent Authority vary the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 7810 (2) Notley Place, Town of Darwin for the purpose of a single dwelling with reduced front setback, subject to the following conditions:

CONDITIONS PRECEDENT

1. 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.
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a Construction Environmental Management Plan (CEMP), to the requirements of the City of Darwin, to the satisfaction of the consent authority. The CEMP is to address waste management, storm water drainage, how construction will be managed on the site, and is to include details of the haulage of excavated and new materials and traffic management for construction vehicles.

GENERAL CONDITIONS

3. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
4. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
6. 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.
7. 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.
8. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways;
 - (c) collect stormwater and discharge it to the drainage network; and
 - (d) undertake reinstatement works;all to the technical requirements of and at no cost to the City of Darwin, to the satisfaction of the consent authority.
9. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.
10. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building.
11. 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.
12. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
13. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into City of Darwin drains or to any watercourse.

NOTES:

1. This permit will expire if one of the following circumstances applies:
 - (a) the development is not started within two years of the date of this permit; or

- (b) the development is not completed within four years of the date of this permit. The consent authority may extend the periods referred to if a request is made in writing before the permit expires.
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
 3. Notwithstanding the approved plans, any works and/or landscaping within City of Darwin's road reserve is subject to City of Darwin approval and shall meet all of City of Darwin's requirements, to the satisfaction of and at no cost to the City of Darwin.
 4. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from Department of Land Resource Management.
 5. The Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency's Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

REASONS FOR THE DECISION

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

The proposed development is consistent with the purpose of Zone SD21 (Specific Use Darwin No.21) of the NT Planning Scheme, being to facilitate the subdivision, use and development of the land for residential purposes at a density compatible with existing development within the locality.

The proposed development does not comply with Clause 7.3 (Building Setbacks of Residential Buildings) in relation to the Primary Street setback requirements.

A variation to the primary street frontage setbacks is considered acceptable, taking into account the articulation of the building, the varying facades and the solid wall that occupies the corner of the site and screens part of the building.

Granting a variation to this clause is unlikely to prevent the development from achieving the objectives of the clause. The open structures being built closer to the boundary is unlikely to result in any further effects of building massing, will not increase overlooking and will not affect breeze penetration. The structures have been designed to complement the overall development and therefore are considered compatible with the streetscape and surrounding development.

By definition of *primary street* and *secondary street* in Clause 3 of the NT Planning Scheme, it *does not include any street where access is prohibited by the controlling Agency*. The City of Darwin prohibited access from Gregory Street, resulting in the Gregory Street boundary to be a side boundary for the purpose of assessing setback requirements. The proposed development is compliant with the setback requirements for a side boundary.

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

The land is capable of supporting the proposed development as was determined through the subdivision application (DP07/0730) which allocated the lot for single dwelling purposes. Furthermore, service authorities did not raise any concerns with regards to servicing to the proposed development.

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

The proposal is for the development of a single dwelling on a lot specifically zoned for single dwelling purposes. The articulation of the building, varying roof line, open verandahs and variety of facades are considered to be compatible with the streetscape and surrounding developments and are not considered to unduly impact on the existing or 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 onto adjoining properties.
5. A Construction and Environmental Management Plan (CEMP) is required to ensure that appropriate procedures are in place to mitigate environmental impacts during the construction phase of the project.

ACTION: Notice of Consent and Development Permit

**ITEM 5
PA2014/0252
APPLICANT**

**21 x 2 BEDROOM MULTIPLE DWELLINGS IN A FOUR STOREY BUILDING
LOT 5291 (42) GOTHENBURG CRESCENT, TOWN OF DARWIN
GEORGE SAVVAS**

Mr George Savvas (Concept Designs) and Mr George Vazanellis (part owner) attended.

**RESOLVED
109/14**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 5291 (42) Gothenburg Crescent, Town of Darwin for the purpose of 21 x 2 bedroom multiple dwellings in a four storey building, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) details of proposed air conditioner screening; and
 - (b) the location of the 4m x 3.5m electricity easement approved by Power and Water;

2. Prior to the endorsement of plans and prior to commencement of works (including site preparation), a landscape plan shall be submitted to and approved by the City of Darwin, to the satisfaction of 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 landscaping plan must be generally in accordance with the landscape concept plan dated 29/04/14 prepared by concept designs (north). The plan must 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, pot sizes, sizes at maturity, and quantities of each plant;
 - (d) landscaping and planting within all open areas of the site;
 - (e) canopy trees (minimum two metres tall when planted) in the following areas: Tiger Brennan Drive road reserve adjacent to the subject site; and
 - (f) provision of an in ground irrigation system to all landscaped areas. All species selected must be to the satisfaction of the consent authority.

3. 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.

4. 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.
5. Prior to the commencement of works (including site preparation), the applicant is to prepare a Construction Environmental Management Plan (CEMP), to the requirements of the City of Darwin, to the satisfaction of the consent authority. The CEMP is to address waste management, storm water drainage, how construction will be managed on the site, and is to include details of the haulage of excavated and new materials and traffic management for construction vehicles.
6. Prior to the commencement of works (including site preparation), a waste management plan addressing the City of Darwin's Waste Management Policy 054 must be prepared to the requirements of the City of Darwin, to the satisfaction of the consent authority.

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. The use and development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
9. 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.
10. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage, internal firefighting arrangements and electricity facilities to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
11. Before the use of the development starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat;
 - (d) line marked to indicate each car space; and
 - (e) drainedto the satisfaction of the consent authority.

Car spaces, access lanes and driveways must be kept available for these purposes at all times.

12. The car parking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their visitors.
13. 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.
14. Any security boom, barrier or similar device controlling vehicular access to the premises must be located a minimum of six metres inside the property to allow vehicles to stand clear of Gothenburg Crescent pavement and footpath.
15. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of City of Darwin, to the satisfaction of the consent authority.
16. 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 Northern Territory Government and City of Darwin, to the satisfaction of the consent authority.
17. All proposed works impacting Gothenburg Crescent are to be designed, supervised and certified on completion by a practicing and registered civil engineer, and shall be in accordance with the standards and specifications of the City of Darwin. Drawings must be submitted to the City of Darwin for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".
18. 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.
19. 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.
20. Storage for waste disposal bins is to be provided to the requirements of City of Darwin 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. 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.

23. 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.
24. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the relevant service authority, to the satisfaction of the consent authority.
25. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

NOTES:

1. This permit will expire if one of the following circumstances applies:
 - (a) the development is not started within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.The consent authority may extend the periods referred to if a request is made in writing before the permit expires.
2. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from Department of Land Resource Management.
3. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
4. This development permit does not grant "building approval" for the proposed structure. The Building Code of Australia requires that certain structures within 900mm of a boundary meets minimum fire resistance level requirements and you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing demolition or construction works.
5. The Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency's Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. The proposed development of 21 x 2 bedroom multiple dwellings in a four storey building is consistent with the primary purpose of Zone MR (Medium Density Residential), which is *to provide for a range of housing options to a maximum height of four storeys above ground level*. The development is considered to be of a scale, character and architectural style reasonably anticipated on this site given its zone and zoning of surrounding properties.
2. A variation to Clause 7.1.1 (Residential Density Limitations) of the Northern Territory Planning Scheme is supported as although the proposal presents a non compliance with the density requirement, it appears to still achieve the objectives of the clause. It is compatible with the existing and planned provision of reticulated services and community facilities which will service the area, and is consistent with land capability. Furthermore, granting a variation is considered to achieve a better outcome in terms of greater utilisation of an existing serviced and appropriately zoned allotment as encouraged by Clause 4.2(a) of the Scheme.
3. A variation to Clause 7.3 (Building Setback of Residential Buildings) and Clause 7.3.1 (Additional Setback Requirements for Residential Buildings longer than 18m and for Residential Buildings Over 4 Storeys in Height) of the Northern Territory Planning Scheme is supported as the overall design and the varied setbacks along the eastern boundary provide the necessary relief to the affected boundary envisaged by the clause and result in a building that is well articulated as viewed from adjoining land. Furthermore, the affected boundaries both face roads and open space and do not result in any undue overlooking. Amending the design to achieve fully compliant setbacks in this case is likely to require loss of this articulation and a worse outcome in terms of the overall visual bulk of the structure.
4. Pursuant to Section 51(j) of the *Planning Act*, the consent authority must take into consideration the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.

The land was recently rezoned to accommodate a medium density development. Although the proposed development is over dense by 185m² (approximately 11.5%) and requires variations to the setback requirements, it achieves compliance with all other applicable clauses of the NT Planning Scheme. Furthermore, Power and Water did not raise any concerns relating to the proposed density of the site. The land is considered capable of supporting the proposed development.

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

It is reasonable to expect that the proposed development will impact on the existing amenity of the area in terms of increased traffic and a higher density of living than the area is used to. In saying this, these are matters that were considered during the recent rezoning of the land and it was determined that the subject lot is considered capable of supporting a multiple dwelling development. It is noted that the proposed development is over dense by 3 dwellings and requires variations to the setback requirements but these non-compliances are not considered to further affect the potential impact on the existing or future amenity of the area. Achieved compliance with height, parking, landscaping and open space requirements of the NT Planning Scheme will help to protect existing and future amenity of the area.

6. Amended plans have been requested to ensure compliance with Clause 7.8 (Building Design for Multiple Dwellings, Hostels and Supporting Accommodation) in particular subclause (d) and to ensure that the required electricity easement does not compromise the approved development.
7. A detailed landscape plan is required to ensure compliance with Clause 7.7 (Landscaping for Multiple Dwellings, Hostels and Supporting Accommodation) and to help mitigate any adverse effects (if any) resulting from the reduced setbacks.
8. A Traffic Impact Assessment report has been requested to investigate the impact of the increased density of the site on the surrounding area.
9. 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 onto adjoining properties.
10. An Construction Environmental Management Plan (CEMP) is required to ensure that appropriate procedures are in place to mitigate environmental impacts during the construction phase of the project.
11. A Waste Management Plan is required to ensure that the proposed development complies with City of Darwin's Waste Management Policy 054.

ACTION: Notice of Determination

**ITEM 6
PA2014/0226
APPLICANT**

**4 X 4 BEDROOM MULTIPLE DWELLINGS IN 2 X 2 STOREY BUILDINGS
LOT 1336 (1) MARELLA STREET, TOWN OF DARWIN
SAVVAS ARCHITECT**

DAS tabled the "Larrakeyah Primary School Safe Routes to School Assessment and Road Safety Audit".

Mr Savvas Savvas (PA Group, Architect) and Mr John Alexopoulos (developer) attended.

Submitter Mr Tony Sjogren sent his apology.

Submitters in attendance:- Ms Phillipa Tziolos (Chair, Larrakeyah Primary School Council), Mrs Suzanne Philip and Ms Katie Ambrose-Pearce.

Ms Tziolos tabled the Larrakeyah school magazine with an article on the front page on traffic safety.

**RESOLVED
110/14**

That, pursuant to section 53(c) of the *Planning Act*, the Development Consent Authority refuse to consent to the application to develop Lot 1336 (1) Marella Street, Town of Darwin for the purpose of 4 x 4 bedroom multiple dwellings in 2 x 2 storey buildings for the following reasons:

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

The proposed development does not comply with clause 7.1.1 (Residential Density Limitations) as the applicant is proposing 4 dwellings whilst the site area is capable of accommodating 3.6 (3) dwellings in accordance with Table A to Clause 7.1.1.

2. Clause 2.5 (Exercise of Discretion by the Consent Authority) (3) states that *the consent authority may consent to the development of land that does not meet the standard set out in Parts 4 or 5 only if it is satisfied that special circumstances justify the giving of consent.*

The application does not demonstrate any special circumstances to justify the giving of consent to vary the requirements of Clause 7.1.1 (Residential Density Limitations).

3. Pursuant to Section 51(e) of the *Planning Act*, the consent authority must take into consideration any public submissions made under section 49, and any evidence or information received under section 50, in relation to the development application.

14 public submissions were received during the exhibition period including a petition containing 84 signatures. Many of the submitters originally objected to the recent rezoning of the subject lot and wanted to stand by their original submissions, particularly as the rezoning application proposed a fully compliant development.

The main concern raised by the submitters was the impact of the proposed development on existing traffic congestion in the area. The submitters tabled a report at the meeting on 9 May 2014, the "Larrakeyah Primary School Safe Routes to School Assessment and Road Safety Audit". This report does indicate that there are traffic safety issues in the area. The documents was designed to be used by relevant persons and authorities in an attempt to alleviate some of the traffic and safety issues in the area. The DCA acknowledge the concerns of the submitters and is of the opinion that this development would exacerbate the issues raised by the submitters and that additional traffic generated by this development would impact adversely on the safety of children attending the adjoining school. The authority is furthermore not convinced that the applicant addressed the concerns of the submitters. No traffic assessment report was provided by the Applicant in support of the application

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

The authority acknowledges that the site is capable of dealing with the proposed development and that Power and Water did not raise any concerns relating to the provision of reticulated services. The authority is however of the opinion that the site is constrained by existing developments in the broader area which is not capable of supporting the additional proposed density. These constraints include the location of the site next to the Larrakeyah Primary School and in close proximity to the Larrakeyah Army Base. Each of these two uses generate substantial traffic movement and with regular higher volumes of traffic at certain times of the day i.e. early mornings and mid afternoons. At these times the traffic is more intense, there are more pedestrian movements and safety becomes more prevalent, especially for young children attending school.

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

The subject site is located adjacent to the Larrakeyah Primary School and very close to the Larrakeyah Army Barracks. There is existing traffic congestion and safety concerns on Packard Street which would be exacerbated by the proposed development. This area is obligated to carry defence traffic which prevents traffic calming measures being put into place. Additional density will add to the existing traffic congestion in the area and the safety of the school children is considered paramount in this instance.

Furthermore, it is considered that scale of overdevelopment of the site leaves no space available to provide for visitor parking on site, which will lead to additional on street parking worsening the existing traffic congestion issues.

The DCA consider the development to be an over development of the site given its locality and surrounding existing developments which would impact the amenity of residents and children attending the school. Additional density will add to the existing traffic congestion and in an attempt not to contribute to the existing traffic congestion issues and negatively impact on the amenity of the area, the increased density is not supported.

ACTION: Notice of Refusal

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



PETER MCQUEEN
Chairman

30/5/14