DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 290 – FRIDAY 10 MARCH 2017

BROLGA ROOM
NOVOTEL DARWIN ATRIUM
100 THE ESPLANADE
DARWIN

MEMBERS PRESENT: Denis Burke (Chairman), Bob Elix, Garry Lambert and John Gleeson

APOLOGIES: Doug Phillips

OFFICERS PRESENT: Margaret Macintyre (Secretary), Anthony Brennan, Sarah Silva and Steven Kubasiewicz (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nadia Smith and James Whyte

Meeting opened at 9.30 am and closed at 11.30 am
ITEM 1  MIXED USE DEVELOPMENT COMPRISING SHOPS, OFFICES, RESTAURANTS, MEDICAL CLINICS, LEISURE AND RECREATION AND A CHILDCARE CENTRE IN A SINGLE STOREY BUILDING PLUS BASEMENT CAR PARKING LOT 11847 (15) FUHRMANN STREET, TOWN OF NIGHTCLIFF

APPLICANT  NORTHERN PLANNING CONSULTANTS PTY LTD

Mr Brad Cunnington (Northern Planning Consultants Pty Ltd), Mr Costa Paradisis (Muirhead Central Pty Ltd - landowners) and Mr Chris Grimm (DHA) attended.

Submitter Ms Margaret Clinch (PLan: The Planning Action Network Inc) attended.

RESOLVED 35/17

That, pursuant to section 53(a) of the Planning Act, the Development Consent Authority consent to the application to develop Lot 11847 (15) Furhmann Street, Town of Nightcliff, for the purpose of mixed use development comprising shops, office, warehouse, restaurants, medical clinics, leisure and recreation and a childcare centre in a single storey building plus basement car parking, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), an updated traffic impact assessment is to be prepared by a suitably qualified traffic engineer, to the requirements of both City of Darwin and Transport Infrastructure Planning Division of the Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority. The Report must detail the development’s traffic generation, trip distribution, traffic operation impact, the nature and timing of impacts, and recommended measures required to accommodate and / or mitigate the traffic impacts of the development, including construction traffic, and address Council’s comments regarding the location of the continued median island on Furhmann Street and the capability of the roundabout to accommodate public bus movements/shelters, and amend the design (if required), to the satisfaction of the consent authority.

2. 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) A greater level of articulation to the northern, southern, eastern and western elevations of the building in order to minimise expanses of blank walls, and add further variety and interest at street level including, but not limited to:
   a. Additional façade treatments, façade materials and façade designs;
   b. Variations to the roof line and roof pitch;
   c. Surfaces and or design treatments to deter and minimise the impact of graffiti on the eastern elevation (Public park side);
   d. Increased passive surveillance of public spaces,
   e. The provision of additional landscaping to reduce the visual impact particularly to Thorne Street and the adjacent public park, and provide further shade and screening of open expanses of pavement and car parking; and
   f. Architectural drawings which include elevations and perspective drawings illustrating the above changes to a standard and quality satisfactory to the consent authority.

b) Access arrangements in accordance with City of Darwin; and
c) Written confirmation from the Transport Infrastructure Planning Division of the Department of Infrastructure Planning and Logistics that an agreement has been reached regarding the location of the affected bus stop and shelter on Forthmann Street.

3. Prior to 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 waste management, traffic control and haulage routes, stormwater drainage and the use of City of Darwin land including the landscaping of road verges.

4. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), approval is required by the City of Darwin for any element of the building (including site preparation) that is designed to be constructed or installed over the City of Darwin road reserve, to the satisfaction of the consent authority.

5. Prior to the commencement of works, an Erosion and Sediment Control Plan (ESCP), is to be submitted to and approved by the Consent Authority on the advice of the Department of Environment and Natural Resources (DENR). All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the requirements of the Consent authority, on advice from DENR. The ESCP should detail methods and treatments for minimising erosion and sediment loss from the site during the construction phase. 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 an ESCP. Information regarding erosion and sediment control and ESCP content is available at www.austieca.com.au and

6. Prior to the commencement of works (including site preparation), a waste management plan in accordance with the City of Darwin’s waste management policy is required to be submitted to the requirements of the City of Darwin, to the satisfaction of the consent authority.

7. Prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the stormwater drainage system shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority. The plan shall include details of site levels and stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to system.

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. All works recommended by the traffic impact assessment are to be completed to the requirements of the Department of Transport and 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, electricity and telecommunication facilities to the development shown on the endorsed plan in accordance with the authorities’ requirements and relevant legislation at the time.

11. 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.

12. 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.

13. All substation, fire booster and water meter arrangements are to be appropriately screened to soften the visual impact of such infrastructure on the streetscape, to ensure that the infrastructure is sympathetic to and blends in with the design of the building. Detail will need to be resolved to the satisfaction of the consent authority in consultation with the Power and Water Corporation, and NT Fire and Emergency Services.
14. All works relating to this permit are to be undertaken in accordance with
the endorsed ESCP to the requirements of the consent authority, upon the
advice of the Department of Environment and Natural Resources.

15. 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. No plant,
equipment, services or architectural features other than those shown on the
endorsed plans are permitted above the roof level of the building(s).

16. 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.

17. 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.

18. 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. The owner shall:
(a) remove disused vehicle and/or pedestrian crossovers;
(b) provide footpaths/cycleways;
(c) collect stormwater and discharge it to the drainage network; and
(d) undertake reinstatement works;

All to the technical requirements of and at no cost to the City of Darwin and
the Transport Infrastructure Planning Division of Department of
Infrastructure Planning and Logistics, to the satisfaction of the consent
authority.

19. 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.
20. All street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction, shall be replaced, to the satisfaction of the City of Darwin, to the satisfaction of the consent authority.

21. 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.

22. The landscaping is to be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.

23. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

24. Storage for waste bins is to be provided to the requirements of the City of Darwin to the satisfaction of the consent authority.

25. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to Council.

26. Any floodlighting or security lighting provided on site should be shielded in a manner to prevent the lighting being noticeable or causing nuisance to Lee Point Road, Thorne Street, or Furhmann Street traffic.

27. 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. 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.
3. 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.

4. 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.

5. 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.

Temporary advertising signage e.g. ‘A’ frame, vehicle or trailer mounted shall not be erected within the Lee Point Road / Furhmann Street road reserves.

6. 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.

7. Detailed plans for the childcare centre, including the kitchen must be submitted to the Department of Health, via a Building Certifier for assessment, prior to the commencement of any building works. Following assessment the premises is required to be registered as a Food Business with Department of Health prior to operating.

8. The Northern Territory Environment Protection Authority has advised that the proponent must comply with their General Environment Duty provided by section 12 of the Waste Management and Pollution Control Act.

9. A “Permit to Work Within a Road Reserve” may be required from City of Darwin before commencement of any work within the road reserve.

10. Any proposed pharmacy will require approval from the Northern Territory Pharmacy Premises Committee (Committee). In granting approval, the
Committee will assess compliance of the pharmacy with Schedule 7 of the Health Practitioners Act (HPA) and standards endorsed by the Committee. This assessment is typically conducted when the construction of the premise is at a more advanced stage. Further information on the HPA and prescribed standards can be found on the Committee website: www.health.nt.gov.au/Agency/Advisory Groups and Taskforces/Pharmacy Premises Committee/index.aspx

11. If the nature of the medical facility changes to incorporate any use or storage of radiation apparatus or radioactive material, the applicant is advised that appropriate authorities must be obtained under the Radiation Protection Act. More information is available at the following internet location: www.nt.gov.au/health/radiationprotection.

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 and 51(n) the potential impact on the existing and future amenity of the area in which the land is situated.

The proposal for the commercial mixed-use development is consistent with the primary purpose of Zone C (Commercial), as specified in the SD23 (Specific Use Darwin No. 23) text, which is to provide for a range of business and community uses.

The purpose of clause 8.2 (Commercial and other Development in Zone...C) of the Northern Territory Planning Scheme is to promote site-responsive designs of commercial, civic, community, recreational, tourist and mixed use developments which are attractive and pleasant and contribute to a safe environment. Additionally, the design of buildings should minimise expanses of blank walls.

The development proposes to be sympathetic to the character of the area by restricting public points of entry to Furmann Street only, providing basement parking to minimise building heights and expanses of car parking, articulating walls through varied colour treatments, materials and green (landscaped) walls. Landscaping is also provided to all boundaries to assist in softening the view of the building (both on-site and utilising existing vegetation within the street verges).

The Childcare Centre’s outdoor area will be secured with the use of pool fencing in order to assist breeze penetration of these areas, provide views to the adjoining public park and increase the passive surveillance of the park area.
The building design is such that the privacy and amenity of surrounding residents is maintained, with no public access provided to Thorne Street for this reason. Awnings and verandahs have been utilised to maximise energy efficiency through passive control measures and provide protection for pedestrians from sun and rain.

The loading / refuse area is located on the corner of Lee Point Road and Thorne Street. Noise intrusion will be minimised through the provision of 2.2m high screen fencing to this area. The visual appearance of this wall is slightly improved by the addition of landscaping (a green wall).

Provided that the development plans are amended to demonstrate the addition of further building façade treatments to all elevations of the building in order to minimise the expanses of blank walls and add further variety and interest at street level; variations to the roof line and roof pitch; additional landscaping to reduce the visual impact particularly to Thorne Street and the adjacent public park; and allow passive surveillance of public spaces, it is considered that a greater and more acceptable level of compliance with clause 8.2 (Commercial and other Development in Zone...C) of the Northern Territory Planning Scheme will be achieved (given the sensitivity that residential buildings front the centre).

2. Pursuant to Section 51(h) of the Planning Act, the consent authority must take into consideration the merits of the proposed development as demonstrated in the application.

The development will increase the range of community and commercial services available to the surrounding area including medical and pharmacy services, childcare facilities, a supermarket, shops, restaurants, offices and leisure and recreation.

3. Pursuant to Section 51 (j) of the Planning Act, the consent authority must consider 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 application was circulated to the Department of Environment and Natural Resources and the NT EPA, and no land constraints were identified, provided that an Erosion and Sediment Control Plan is implemented during the construction phase of the development. The developer also will have responsibilities to control noise (given residential uses are located nearby) and general environmental duties.
ACTION: Notice of Determination

ITEM 2  
PA2016/0328  
APPLICANT ONE PLANNING CONSULT

105 X 3 BEDROOM MULTIPLE DWELLINGS IN 62 SINGLE STOREY BUILDINGS  
SECTIONS 4278 & 4279 (32 & 38) BOWERLEE ROAD, HUNDRED OF BAGOT

Mr Israel Kgosiemang (One Planning Consult), Mr Savvas Savvas (Savvas Savvas Architects), Mr Peter Pizianis (Developer), Mr Tony Murray-Williams (owner) and Mr Christopher Gahan (owner) attended.

Submitters Mr Danny & Mrs Jane Maxwell attended.

RESOLVED  
36/17

That, the Development Consent Authority alter the proposed development and vary the requirements of Clause 7.5 (Private Open Space) of the Northern Territory Planning Scheme, and pursuant to section 53(b) of the Planning Act, consent to the application as altered to develop Sections 4278 and 4279, (32 and 38) Bowerlee Road, Hundred of Bagot for the purpose of 105 x 3 bedroom multiple dwellings in 49 single storey buildings to be developed over 3 stages, 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) Amended plans detailing the location and type of fencing to all site boundaries. All fencing is to be located outside of any drainage reserves/easements. The fencing plan is to be endorsed by a suitably qualified engineer confirming that the proposed fencing will not impact on overland stormwater flows or result in erosion and sedimentation on the subject and adjoining land.
   (b) Amended plans detailing a landscaping plan adjacent to any pool fencing abutting private open spaces and the adjoining parcel to the west of the subject land with dense vegetation which will provide a visual barrier within two years of planting.
   (c) Amended plans detailing the proposed landscaping to the spine road, to adjoining common land and the public open space in accordance with the altered staging plans.
   (d) Altered staging plans to include the development of the public open space as a part of stage 1.
   (e) Amended plans correctly identifying dwelling types, site plans and floor plans.
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation) schematic plan, prepared by a suitably qualified Engineer, demonstrating the onsite collection of stormwater and its discharge to the into the local stormwater drainage system shall be submitted to and approved by the Land and Planning Division (Land Development Unit), and the City of Darwin to the satisfaction of the consent authority.

3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation) a qualified person, experienced in the investigation and assessment of contaminated land, must provide clearance that the grounds of the site are free of contaminants. This clearance will form part of this permit and must be provided to the Northern Territory Environmental Protection Authority, to the satisfaction of the consent authority.

4. Prior to the commencement of works, an Erosion and Sediment Control Plan (ESCP), is to be submitted to and approved by the consent authority on the advice of the Department of Environment and Land Resource Management (DENR). All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the requirements of the consent authority, on advice from DENR. The ESCP is to be developed by a suitably qualified and experienced professional in erosion and sediment control planning and 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 an ESCP. The plan should detail methods and treatments for minimising erosion and sedimentation loss from the site during the construction phase. Information regarding erosion and sediment control and ESCP content is available at www.austieca.com.au and the DENR website: http://nt.gov.au/environment/soil-land-vegetation.

5. Prior to the endorsement of drawings a Traffic Impact Assessment/Report in accordance with the “Ausrroads Guide to Traffic Management Part 12: Traffic impacts of Development” is required for the proposed development. The report must detail the developments traffic generation, trip distribution, traffic operations impact, the nature and timing of impacts and recommended measures required to accommodate and or mitigate the traffic impacts of the development to the requirements of the Department of Transport and the City of Darwin to the satisfaction of the consent authority.

6. Prior to the commencement of works, a Construction Environmental Management Plan (CEMP) for the management and operation of the use must be prepared to the requirements of an independent suitably qualified professional and submitted to and approved by the consent authority upon the advice of City of Darwin. When approved, the CEMP will be endorsed
and will then form part of the permit. The use must at all times be conducted in accordance with the endorsed plan. The CEMP must include:
(a) overall environmental objectives for the operation of the use and techniques for their achievement;
(b) procedures to ensure that no significant adverse environmental impacts occur as a result of the use;
(c) proposed monitoring systems;
(d) identification of possible risks of operational failure and response measures to be implemented; and
(e) day to day management requirements for the use.

7. Prior to the commencement of works (including site preparation), a waste management plan in accordance with the City of Darwin’s waste management policy is required to be submitted to the requirements of the City of Darwin, to the satisfaction of the consent authority.

8. 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.

9. Prior to the commencement of works detailed design documentation for the stormwater drainage infrastructure and connections to the existing infrastructure shall be submitted to and be approved by the Lands and Planning Division (Land Development Unit) and the City of Darwin to the satisfaction of the consent authority.

10. Prior to the commencement of works detailed “For Construction” design documentation for all proposed works within the Northern Territory Government stormwater drainage easement is to be submitted to and provided with “Permission to Use” by the Lands Planning Division (Land Development Unit).

GENERAL CONDITIONS

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

12. The development must proceed in the order of stages as shown on the endorsed plan unless otherwise agreed in writing by the consent authority.

13. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities and telecommunication services to the land shown on the endorsed plan in accordance with the authorities’ requirements and relevant legislation at the time.

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These minutes record persons in attendance at the meeting and the resolutions of the Development Consent Authority on applications before it. Reliance on these minutes should be limited to exclude uses of an evidentiary nature.
14. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, site earthworks, vehicular access, pedestrian/cycle corridors and streetscaping are to be to the technical requirements of the City of Darwin, the Department of Infrastructure, Planning and Logistics and the Department of Transport.

15. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into the City of Darwin, the Department of Infrastructure, Planning and Logistics or the Department of Transports drains or to any watercourse.

16. Before the issue of a certificate of compliance the screening landscaping works approved for each stage as shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.

The development of the public open space shall be to the requirements of the City of Darwin 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. 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.

19. 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.

20. Prior to the use/occupation of the development and connection of services (i.e. power and water), the owner of the land must apply for unit/street addressing from the Surveyor-General of the Northern Territory. This will form the legal address and will be required to be placed on the doors and meters within the development in accordance with the allocation. An Occupancy Permit will not be able to be granted until such time as addressing is obtained.

21. 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.

22. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.

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. 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.

3. If you choose nbn to service your development, you will need to enter into a development agreement with nbn. The first step is to register the development via [http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html](http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html) once registered nbn will be in contact to discuss the specific requirements for the development. Nbn requires you to apply at least 3 months before any civil works commence. All telecommunications infrastructure should be built to nbn guidelines found at [http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/builders-designers.html](http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/builders-designers.html).

4. The Surveyor-General advises you should immediately make application for unit/street addresses to the Survey and Land Records unit on (08) 8995 5362 (surveylandrecords@nt.gov.au).

5. 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.

6. The applicant must ensure that that only clean fill (virgin excavated natural material) or inert fill is accepted and that the inert fill has been adequately assessed as being suitable for its intended use.

7. A “Permit to Work Within a Road Reserve” may be required from City of Darwin and the Department of Transport before commencement of any work within the road reserve.

8. 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 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 development is generally compliant with the requirements of the NT Planning Scheme. A variation is required to Clause 7.5 (Private Open Space) as the amount of open space does not accommodate a dimension of 5mx 5m. Notwithstanding this the amount of open space for the two affected dwellings provides a total area of 45m² each. The dwellings are directly connected to the private open space and incorporate an outdoor roofed area. The minor variation is supported.

Additional information has been requested from the applicant to provide landscaping details to the private open space. The fencing to the private open spaces is a mixture of both solid and open fencing. Amended plans have been requested to ensure that landscaping is provided adjacent to the pool fencing where it abuts adjoining areas of private open space. The intent of this is to facilitate breeze penetration and enhance the level of privacy enjoyed by the occupants and users of the private open space.

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

One public submission was received. In response to the submission the applicant has amended the application to provide a 2.2m high fence to the western boundary. The authority notes that this fence is a mixture of a concrete wall to a height of 600mm, Colorbond fencing and pool fencing. To minimise the impact on the privacy of the adjoining land owner due to the fencing being proposed the authority has required that the pool fencing component of this fence be screened with landscaping with the intent of allowing breeze penetration and privacy for the affected private rear yard areas.

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

Both the City of Darwin and the Land Development Unit have raised no objection to the proposed development. Concerns in relation to stormwater management have been addressed by both these authorities. The authority has placed conditions on the permit to ensure that stormwater management and the provision of other infrastructure shall be to the requirements of the relevant service authority at no cost to the service authority.

4. Pursuant to Section 51 (p) of the Planning Act, the consent authority must take into account the public interest.

The authority determined to alter the staging plans by requiring the public open space to be developed as a part of stage 1 rather than stage 3. The authority consider that the provision of open space is in the public interest as it provides the opportunity for both passive and active recreational facilities to be developed and provided to all residents of the development including stage 1 and 2. Further to this it is unclear as to when the final stage of the development is to occur. Including the public open space as a part of stage 1 will contribute to the general level of amenity enjoyed by residents as the development proceeds.

**ACTION:** Notice of Consent and Development Permit

**ITEM 3**
**PA2016/0734**
**APPLICANT** SAVVAS P SAVVAS ARCHITECTS

5 X 4 BEDROOM MULTIPLE DWELLINGS IN 2 X 2 STOREY BUILDINGS
LOT 1781 (46) PHILIP STREET, TOWN OF DARWIN

Mr Savvas Savvas (Savvas Savvas Architect), Mr Israel Kgosiemang (One Planning Consult) and Mr Mick Smith (Owner) attended.

Submitters Ms Donna Wright (Southern Cross Care (NT & SA) and Mr David Hoseason-Smith (owner of Unit 1 44 Philip Street) attended.

**RESOLVED**
37/17

That, the Development Consent Authority vary the requirements of Clauses 7.1.1 (Residential Density Limitations) and 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, and pursuant to Section 53(a) of the Planning Act, consent to the application to develop Lot 1781 (46) Phillip Street, Town of Darwin for the purpose of 5 x 4 bedroom multiple dwellings in 2 x 2 storey buildings, subject to the following conditions:

**CONDITIONS PRECEDENT**
1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), 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, and must be generally in accordance with the plans submitted with the application but modified to show:
   a) Entry steps contained within the property boundary; and
   b) Provision of a 1m x 1m electricity easement and bollard to Power and Water Corporation’s requirements.

2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a schematic plan demonstrating the on-site collection of stormwater and its discharge into the underground stormwater drainage system shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority. The plan shall include details of site levels and stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected to the underground system.

3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare an Environmental and Construction Management Plan (ECMP) to the requirements of the City of Darwin. The ECMP is to address waste management, traffic control, haulage routes, and the use of Council land during construction, to the satisfaction of the consent authority.

4. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a 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, drainage, sewerage and electricity facilities and telecommunication services 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. 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. No access is permitted to the stormwater reserve located on adjacent Lot 5693.

10. 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. 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.

11. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.

12. A Compliance Certificate under the Swimming Pool Safety Act issued by the Swimming Pool Safety Authority is required for the swimming pools prior to the commencement of the use to the satisfaction of the consent authority. The pool fencing is to comprise either self-closing doors to the living room or frameless glass fencing.

13. Prior to the use/occupation of the development and connection of services (i.e. power and water), the owner of the land must apply for unit/street addressing from the Surveyor-General of the Northern Territory. This will form the legal address and will be required to be placed on the doors and meters within the development in accordance with the allocation. A Certificate of Compliance will not be able to be granted until such time as addressing is obtained.

14. 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.

15. 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.

16. 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.
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, 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.

18. 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.

19. All balconies are to be internally drained and discharged is to be disposed of at ground level and in a manner consistent with stormwater disposal arrangements for the site to the satisfaction of the consent authority.

20. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

21. The 1.8m high good neighbour fencing along the shared boundary with Lot 1780 is to be erected throughout the construction stage of the development to the satisfaction of the consent authority.

NOTES:

1. This development permit does not grant building approval. You are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing construction works.

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

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

4. 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 Environment and Natural Resources.

5. 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.

6. If you choose nbn to service your development, you will need to enter into a development agreement with nbn. The first step is to register the development via http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html once registered nbn will be in contact to discuss the specific requirements for the development. Nbn requires you to apply at least 3 months before any civil works commence. All telecommunications infrastructure should be built to nbn guidelines found at http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/builders-designers.html

7. The Surveyor-General advises you should immediately make application for unit/street addresses to the Survey and Land Records unit on (08) 8995 5362 (surveyandrecords@nt.gov.au).

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 primary purpose of Zone MD is to provide for a range of housing options to a maximum height of two storeys above ground level. The scale, character and architectural style of infill development should be compatible with the streetscape and surrounding development.

The development is for five townhouse dwellings in two two-storey buildings. The surrounding area is a mix of one and two-storey, single and multiple dwelling developments and is consistent with the intention of the zoning.

A variation to clause 7.1.1 (Residential Density Limitations) of the Northern Territory Planning Scheme is supported, to allow 280m² per dwelling when 300m² per dwelling is required, for the following reasons:
• The density is not inconsistent with other developments in the area, including the direct neighbouring site Lot 1780 (44) Philip Street, which comprises 5 dwellings also on a site of 1400m²; a dwelling density identical to that proposed within this current application for Lot 1781;

• The development has an attractive building design and quality areas of private open space. Pools are to be provided to 4 of the 5 areas and the variation in building design features and landscaping provides for an attractive development that does not appear bulky or visually obtrusive;

• Power and Water Corporation advise that their requirements in terms of reticulated services can be met through contributions and upgrades at the developers cost; and

• The authority is therefore satisfied that the level compliance with other aspects of the scheme indicates that the density of the development is appropriate having regard to the purpose of the clause.

A variation to Clause 7.3.1 (Additional Setback Requirements for Residential Buildings Longer than 18m and for Residential Buildings Over 4 Storeys in Height) of the Northern Territory Planning Scheme is supported for the following reasons:

• The side façade of the building includes the provision of windows of various sizes and uses a range of building textures, which help to break up the bulk of the building;

• The northern neighbouring property (Lot 1782) has a driveway/car parking area located along the shared boundary and the actual residential wall of the building is set away approximately 7.9m from the boundary line;

• The southern neighbouring property Lot 1780 is currently developed with a 2 x 2 storey buildings and the building to the rear (with the potential to be affected by the reduced setback) that has a blank side façade and therefore overlooking issues are considered unlikely;

• Lengths of approximately 15.3m do not comply with the setback requirements and the additional lengths of the building that make up a total length of 18.8m are well setback form the side boundaries (approximately 5m). If the uncompliant building length was considered separately, the variation to the minimum setback requirement would be only 0.3m (a minimum of 1.5m required) which is relatively minor given the siting/building design of the neighbouring sites); and

• Lot 1781 is quite long and narrow in configuration.

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, the physical characteristics of which may be affected by the development.

Current storm surge mapping indicates that part of Lot 1781 is located within the SSSA (secondary Storm Surge Area), however the applicant has provided written correspondence from a civil engineer advising that further investigations of the actual site levels demonstrate that the development site is above the area affected by the SSSA and will not be affected by associated surge waters. No land capability issues were raised by the Department of Environment and Natural Resources.

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.

Despite the setback variations and density requested, the assessment has concluded that the scale of the development, including the height and built form is consistent with that reasonably anticipated in this location. For these reasons, and provided stormwater is adequately controlled on-site, it is considered that there will be minimal impacts on the existing and future amenity of the area.

ACTION: Notice of Consent and Development Permit

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

DENIS BURKE
Chairman

14/3/17