



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 335 – FRIDAY 3 MAY 2019

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

MEMBERS PRESENT: Suzanne Philip (Chair), Marion Guppy, Sherry Cullen and Mick Palmer

APOLOGIES: Mark Blackburn

OFFICERS PRESENT: Margaret Macintyre (Secretary), Dawn Parkes and Richard Lloyd (Development Assessment Services)

COUNCIL REPRESENTATIVE: - Nil

Meeting opened at 10.15 am and closed at 11.15 am

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

ITEM 1 **DISABILITY SERVICES FACILITY IN 3 X SINGLE STOREY BUILDINGS**
PA2019/0083 **INCLUDING AGED CARE AND DISABILITY ACCOMMODATION, AN ADULT**
 DAY SERVICES CENTRE AND A RECREATION AND VOCATIONAL
 EDUCATION CENTRE (STAGE 2 OF HARRY'S PLACE)
APPLICANT **LOT 7714 (1) WILLEROO STREET, TOWN OF NIGHTCLIFF**
 JUNE D'ROZARIO & ASSOCIATES PTY LTD

Ms June D'Rozario (June D'Rozario & Associates Pty Ltd), Mr Regan Anderson (Developments General Manager, Halikos Group) attended.

Ms D'Rozario tabled a request for minor changes to conditions recommended in the DAS report.

Mr Leslie Tremmel attended and gave a verbal submission voicing concerns about additional traffic from the development on Willeroo Street.

Interested Party Mr Donovan Dales (Carpentaria Services) attended.

RESOLVED That, pursuant to section 53(a) of the *Planning Act 1999*, the Development
86/19 Consent Authority consent to the application to develop Lot 7714, (1) Willeroo
 Street, Town of Nightcliff for the purpose of a disability services facility in 3 x single
 storey buildings including aged care and disability accommodation, an adult day
 services centre and a recreation and vocational education centre (Stage 2 of
 Harry's Place), subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a landscape plan to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The landscaping plan must be generally in accordance with that submitted with the application and must include:
 - a. details of landscaping along the western side of the new car park.
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), an updated comprehensive traffic impact assessment report is to be prepared by a suitably qualified traffic engineer with attention to vehicular, pedestrian, cyclist and public transport issues and opportunities, including any potential need for access from the site onto Henbury Avenue, swept paths for waste collection vehicles, and identifying any necessary upgrades to the surrounding street network to the requirements of the City of Darwin, to the satisfaction of the consent authority.
3. Prior to the endorsement of plans and prior to commencement of works (including site preparation), an engineered plan completed by a suitably qualified civil engineer demonstrating the on-site collection of stormwater and its discharge into the local 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 Council's stormwater drain connection point/s and connection details.

4. 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 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 during construction.
5. Prior to the commencement of works (including site preparation), the applicant is to prepare a dilapidation report covering infrastructure within the road reserve to the requirements of the City of Darwin, to the satisfaction of the consent authority.
6. Prior to the commencement of works (including site preparation), 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). The ESCP should detail methods and treatments for minimising erosion and sediment loss from the site during the construction phase and that all disturbed soil surfaces must be satisfactorily stabilised against erosion at completion of works. 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 the NTP website: <https://nt.gov.au/environment/soil-land-vegetation>. The ESCP should be emailed for assessment to: DevelopmentAssessment.DENR@nt.gov.au

GENERAL CONDITIONS

7. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
8. All works relating to this permit are to be undertaken in accordance with the approved Erosion and Sediment Control Plan (ESCP) to the requirements of the Consent Authority on the advice of the Department of Environment and Natural Resources (DENR).
9. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage electricity and telecommunication network services to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
10. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
11. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created.

12. 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.
13. The owner shall:
 - a. remove disused vehicle and/ or pedestrian crossovers;
 - b. provide and/ or reinstate 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.
14. Before the use or occupation of the development starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - a. constructed;
 - b. properly formed to such levels that they can be used in accordance with the plans;
 - c. surfaced with an all-weather-seal coat;
 - d. drained;
 - e. line marked to indicate each car space and all access lanes; and
 - f. clearly marked to show the direction of traffic along access lanes and driveways;to the satisfaction of the consent authority.
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
15. 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.
16. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority
17. Dust control measures must be employed throughout the construction stage of the development to the requirements of the NT EPA, to the satisfaction of the consent authority.
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. 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 to the requirements of the City of Darwin, to the satisfaction of the consent authority.
21. 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.

22. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the consent authority.

NOTES

1. Any proposed works on/over City of Darwin property shall be subject to separate application to City of Darwin and shall be carried out to the requirements and satisfaction of City of Darwin.
2. Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and the Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of one month prior to construction works commencing to determine servicing requirements and the need for upgrading of infrastructure.
3. The Department of Environment and Natural Resources advises that construction work should be conducted in accordance with the Northern Territory Environment Protection Authority'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. 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 the Department of Environment and Natural Resources. Information can be obtained from the IECA Best Practice Erosion and Sediment Control Guidelines 2008 available at www.austieca.com.au and the NTG website <https://nt.gov.au/environment/soil-land-vegetation>.
5. The permit holder is advised that the proposal may have assessment implications under the *Waste Management and Pollution Control Act 1998*. More information can be found on the Northern Territory Environment Protection Authority website at: <https://ntepa.nt.gov.au/waste-pollution>. The applicant is encouraged to contact the NT EPA on (08) 8924 4218 or ntepa@nt.gov.au.
6. This development permit does not grant building approval. You are advised to contact a NT registered private Building Certifier to ensure that you have attained all necessary approvals before commencing demolition or construction works.
7. Any proposed works which fall within the scope of the *Construction Industry Long Service Leave and Benefits Act 2005* must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
8. 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>.

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

REASONS FOR THE DECISION

1. Pursuant to Section 51(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The land is in Zone CP (Community Purposes), the purpose of which is to provide for community services and facilities, whether publicly or privately owned or operated, including facilities for civic and government administration. The proposal comprises disability and aged care accommodation and an adult day services, recreation and vocational education centre (including offices), and is generally termed as a disability services facility.

The development of offices are normally prohibited in Zone CP, however clause 2.9 of the NT Planning Scheme provides that where the ancillary use or development of land would be prohibited if proposed as the primary use or development, the ancillary use or development is permitted only with consent. The proposal includes four small offices for administration purposes within the adult day services, recreation and vocational education centre building, and are considered ancillary.

The development is generally compliant with the requirements of Clause 8.2 (Commercial and Other Development in Zones.... CP) of the Planning Scheme of which the purpose 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. However no landscaping detail is provided for the western side of the new car park so a precedent condition is recommended to ensure that the applicant provides this detail prior to the endorsement of plans/commencement of works.

The proposal is generally in accordance with the purpose of the zone and the NT Planning Scheme.

2. Pursuant to Section 51(e) of the *Planning Act 1999*, the consent authority must take into consideration any submissions made under section 49, and any evidence received under section 50, in relation to the development application.

No submissions were made under section 49 in relation to the application but it is noted that Mr Tremmel visited the Development Assessment Services office after the close of exhibition to express his interest in the application, with particular concerns relating to the surrounding road network and traffic. Mr Tremmel attended the hearing

and made a verbal submission in relation to his concerns. Mr Tremmel confirmed that he had no objection in relation to the proposed development but requested that the traffic generated by the development and its potential impact on the surrounding road network should be looked at closely, with particular attention to the possibility for an access to the development from Henbury Avenue. The Authority noted Mr Tremmel's concerns and confirmed that the City of Darwin has requested an updated traffic impact assessment report which would be a condition of any permit issued. The Authority noted that it was unfortunate that there was no representative from the City of Darwin present at the hearing to answer specific questions in relation to traffic and the surrounding road network.

3. Pursuant to Section 51(j) of the *Planning Act 1999*, 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. Also, 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 requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose.

No land capability concerns have been identified. The Department of Environment and Natural Resources has recommended that an erosion and sediment control plan be prepared prior to construction and this is included as a standard recommended precedent condition.

Additionally, the City of Darwin has recommended as conditions precedent for the development permit that an updated comprehensive traffic impact assessment report, a construction management plan, an engineered plan for stormwater, and a dilapidation report be prepared. These are also included as standard recommended precedent conditions.

It is anticipated that these measures combined with standard conditions relating to the connection and upgrade of utility services and the provision and treatment of easements, are expected to ensure that the land is developed in accordance with physical capabilities; to address the issues raised by service authorities; and to ensure that utility and infrastructure requirements are appropriately addressed.

It is noted that the applicant requested a stormwater drainage schematic plan be required rather than an engineered plan for stormwater in the recommended stormwater precedent condition. The applicant believes only a schematic plan should be required in order to (then) allow detailed design documentation for stormwater drainage works to be prepared.

City of Darwin has requested the (standard) precedent condition requiring an engineered plan for stormwater, which the Authority supports. The Authority does not consider that the applicant's request to change what is a standard precedent condition justified. The applicant needs to discuss the detail of what the precedent condition

requires with the City of Darwin, particularly in order to obtain clearance of the condition.

4. Pursuant to Section 51(n) of the *Planning Act 1999*, 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 development comprises 3 x 1 storey buildings which are well setback from Henbury Avenue and Willeroo Street which means that the impact on the visual amenity of the area will be minimal. The development could however potentially impact amenity in terms of traffic on Willeroo Street as it is the only current access onto Lot 7714. The City of Darwin has requested that an updated comprehensive traffic impact assessment report be prepared as a precedent condition, and this has been included with the requirement the report be prepared prior to the endorsement of the plans/commencement of works. Should the report recommend that the site's existing access arrangements need to be changed as a result of the proposed development, the applicant would need to amend its plans accordingly before the endorsement of plans/commencement of works.

It is noted that the applicant requested the updated traffic impact assessment report be required prior to commencement of building works rather than prior to the endorsement of plans, as the report is very unlikely to affect site preparation works.

The Authority requires the traffic impact assessment report to examine any potential need for access from the site onto Henbury Avenue and until this matter is addressed it is unknown whether any amendments may be required to the site's access - and need to be included as part of the endorsed plans. This is a standard condition precedent for this type of situation and therefore is not amended.

ACTION: Notice of Consent and Development Permit

ITEM 2
PA2019/0056
APPLICANT

2 X 3 BEDROOM MULTIPLE DWELLINGS IN A SINGLE STOREY BUILDING
SECTION 7647 (12) LUFF STREET, HUNDRED OF BAGOT
DYNASIS PTY LTD

Mr Michael Alakiotis (KMS Building Designs NT) attended.

RESOLVED
87/19

That, the Development Consent Authority vary the requirements of Clause 7.3 (Building Setback of Residential Buildings), Clause 7.3.1 (Additional Setback Requirements for Residential Buildings Longer than 18m and for Residential Buildings over 4 Storeys in Height), and Clause 7.5 (Private Open Space) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act 1999*, consent to the application to develop Lot 7647 (12) Luff Street, Hundred of Bagot for the purpose of 2 x 3 bedroom multiple dwellings in a single storey building, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of works (including site preparation), the applicant is to submit design documents for all proposed work (including the

provision or connection of services) within or impacting upon the Luff Street road reserve, in accordance with the Northcrest Design guidelines and standards and specifications of the Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics (DIPL), to the Director Corridor Management, Transport and Civil Services Division for Road Agency Approval, DIPL, for approval.

2. Prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the Transport and Civil Services Division, DIPL stormwater drainage system shall be submitted to and approved by Transport and Civil Services Division, DIPL, to the satisfaction of the consent authority. The plan shall include details of site levels and Transport and Civil Services Division, DIPL's stormwater drain connection point/s.

GENERAL CONDITIONS

3. The works carried out under this permit shall be in accordance with drawings 2019/0056/01 - 2019/0056/07 endorsed as forming part of this permit.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage, electricity, and telecommunication network services to the development shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.
5. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
6. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created.
7. Confirmation shall be provided to Development Assessment Services (in the form of an email addressed to the Power and Water Corporation) from a suitable qualified professional confirming that all new number labels have been correctly installed at the Customer's Metering Panel(s) and water meters (where applicable). Please provide a copy of an email addressed to both landdevelopmentnorth@powerwater.com.au & powerconnections@powerwater.com.au
8. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Transport and Civil Services Division, DIPL, to the satisfaction of the consent authority.
9. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways;
 - (c) collect stormwater and discharge it to the drainage network; and
 - (d) undertake reinstatement works;all to the technical requirements of and at no cost to the Transport Civil Services Division of DIPL, to the satisfaction of the consent authority.

10. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to Transport and Civil Services Division, DIPL to the satisfaction of the consent authority.
11. Storage for waste disposal bins is to be provided to the requirements of Transport and Civil Services Division, DIPL, to the satisfaction of the consent authority.
12. 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 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 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.
13. Appropriate soil erosion, sediment and dust control measures must be effectively implemented throughout the construction stage of the development and all disturbed soil surfaces must be suitably stabilised against erosion at completion of works, to the satisfaction of the Consent Authority.
14. The loads of all trucks entering and leaving the site of works are to be constrained in such a manner as to prevent the dropping or tracking of materials onto streets. This includes ensuring that all wheels, tracks and body surfaces are free of mud and other contaminants before entering onto the sealed road network. Where tracked material on the road pavement becomes a potential safety issue, the Developer will be obliged to sweep and clean material off the road.
15. Upon completion of any works within or impacting upon the Luff Street road reserve, the road reserve shall be rehabilitated to the standards and requirements of DIPL, to the satisfaction of the consent authority.
16. The private open space areas of each dwelling shall be screened on each boundary by:
 - (a) the erection of a solid wall or screen fence not less than 1.8m high; or
 - (b) fenced to a height not less than 1.8m high and planted with dense vegetation.
17. 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.
18. 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.
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 to the requirements of DIPL, to the satisfaction of the consent authority.

20. All air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
21. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the consent authority.

NOTES:

1. Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and the Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of one month prior to construction works commencing to determine servicing requirements and the need for upgrading of infrastructure.
2. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites in the Northern Territory. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
3. A "Permit to Work Within a Road Reserve" may be required from the Transport Civil Services Division, DIPL before commencement of any work within the road reserve.
4. Access to the site off Luff Street shall be provided in accordance with the Northcrest Development Design Guide Lines. The location and configuration of each access shall be referred to Transport and Civil Services Division, DIPL for approval.
5. Landscaping shall be established on the Luff Street verge(s) fronting the development and shall be undertaken to the Northcrest Development Standards and requirements of Transport and Civil Services Division, DIPL.
6. 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 the Department of Environment and Natural Resources. Information can be obtained from the IECA Best Practice Erosion and Sediment Control Guidelines 2008 available at www.austieca.com.au and the NTG website <https://nt.gov.au/environment/soil-land-vegetation>.
7. This development permit does not grant building approval. You are advised to contact a NT registered private Building Certifier to ensure that you have attained all necessary approvals before commencing demolition or construction works.
8. 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).

9. 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>

REASONS FOR THE DECISION

1. Pursuant to Section 51(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The proposal comprises the construction of 2 x 3 bedroom multiple dwellings in a single storey building on the site and is a form of development anticipated in Zone MD (Multiple Dwelling), of which the purpose is to provide for a range of housing options to a maximum height of two storeys above ground level.

2. Pursuant to Clause 2.5 (Exercise of Discretion by the Consent Authority) of the Northern Territory Planning Scheme the Authority may consent to a development that does not meet the standard set out in Part 4 and 5 of the Planning Scheme where it is satisfied that special circumstances justify the granting of consent.

A variation to clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) to allow the gutters along the western boundary to encroach more than 0.9m into the minimum building setbacks (by 100mm) is supported in that guttering is required by the Northcrest Design Guidelines and the encroachment is minor.

A variation to Clause 7.5 (Private Open Space) to allow a minimum dimension of less than the required 5m x 5m for private open space for unit 1 is supported as there are sufficient special circumstances that justify the granting of a variation in that the 1m² area creating the non-compliance is due to an existing electrical easement which cannot be easily relocated. Additionally, the minimum private open space area requirement for unit 1 (45m²) is exceeded by 35m², and also the private open space area that is permeable and open to the sky exceeds the 50% requirement of the Clause 7.5 Private Open Space Factsheet by approximately 42%.

3. A variation to Clause 7.3.1 (Additional Setback Requirements for Residential Buildings Longer than 18m...) is supported given that the proposal satisfies the purpose of the clause based upon following reasons:
- The building design offers variation through use of stone look render to minimise the effect of building massing when viewed from adjoining land along the western boundary. The neighbouring building which is built along its zero lot line in part also assists in breaking up the building mass when viewed along that boundary.

4. Pursuant to Section 51(j) of the *Planning Act 1999*, 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. Also, 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 requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose.

No land capability concerns were identified as part of the assessment. The proposal complies with the anticipated density in this location and is situated within a newly created subdivision. The requirements of the service authorities are addressed through the conditions of consent.

5. Pursuant to Section 51(n) of the *Planning Act 1999*, 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 land is zoned to accommodate the proposed development, in that the land is identified for the development of multiple dwellings, and the proposal is consistent with the required dwelling density, height and building setbacks from the adjoining streets and properties. No undue amenity impacts are anticipated.

ACTION: Notice of Consent and Development Permit

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

SUZANNE PHILIP
Chair

08 May 2019