



# DEVELOPMENT CONSENT AUTHORITY

## DARWIN DIVISION

### MINUTES

MEETING No. 168 – FRIDAY 20 MAY 2011

BROLGA ROOM  
NOVOTEL DARWIN ATRIUM  
100 THE ESPLANADE  
DARWIN

**MEMBERS PRESENT:** Peter McQueen (Chairman), David Hibbert, Grant Tambling, Bob Elix and Garry Lambert

**APOLOGIES:** Heather Sjoberg

**OFFICERS PRESENT:** Mone Coats-Ross (Acting Secretary), Hanna Stevenson, Peter Sdrauilg and for part of the meeting Israel Kgosiemang and Steven (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Nil

Meeting opened at 9.45 am and closed at 12.25 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**                    **2 STOREY SINGLE DWELLING EXCEEDING THE HEIGHT LIMITATION ON THE**  
**PA2011/0198**            **PLAN ENDORSED FOR ZONE SD20 (SPECIFIC USE DARWIN NO. 20)**  
**APPLICANT**           **LOT 7785 (81) RUDDICK CIRCUIT, TOWN OF DARWIN**  
**ANDY MATHEWSON VANTAGE HOMES**

Applicant Andy Mathewson (Vantage Homes) attended the meeting and tabled supporting documents

Submitters Traci Lew Fatt and James McCormack attended the meeting

**RESOLVED**  
**92/11**

That, pursuant to section 46(4)(b) of the Planning Act, the Development Consent Authority defer consideration of the application to develop Lot 7785 (81) Ruddick Circuit, Town of Darwin for the purpose of a two (2) storey single dwelling to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

1. Amended plans reducing the overall height of the proposed dwelling to a height consistent with the adjoining developments.
2. In relation to the amended plans, special circumstances are to be provided by the applicant which demonstrate the reasons to support a two storey dwelling in a location identified as being single storey only. The special circumstances should be specific to the subject site.
3. Information to the satisfaction of the consent authority demonstrating:
  - why the proposed use of the property should be approved, having consideration for Clause 6.14 (Land Subject to Flooding and Storm Surge) of the NT Planning Scheme, which states that residential uses should be avoided in the PSSA and the SSSA; and
  - Details of the storm surge heights within the Secondary Storm Surge Areas (SSSA) that affects the subject site in relation to the finished floor level of the proposed development. Regard should be had to sub-clause 5(b) of Clause 6.14 (Land Subject to Flooding and Storm Surge) which states that the minimum floor level of habitable rooms should be 300mm above the flood level for the site.

#### **REASONS FOR THE DECISION**

1. The amended plans reducing the overall height of the building will ameliorate the potential impacts of the two storey dwelling.
2. Special circumstances are required in order to justify the construction of a two storey dwelling in a single storey area.

3. The further information requested in relation to storm surge will enable a proper assessment against Clause 6.14 (Land Subject to Flooding and Storm Surge).

**ACTION**

Advice to applicant

**ITEM 2**  
**PA2011/0196**  
**APPLICANT**

**7 X 3 BEDROOM MULTIPLE DWELLINGS IN 5 X 2 STOREY BUILDINGS**  
**LOT 5287 (20) ROSS SMITH AVENUE, TOWN OF DARWIN**  
**TROPPO ARCHITECTS**

Applicants Lena Yali (Troppo Architects) and Gus Mattarazzo (Builder) attended the meeting.

**RESOLVED**  
**93/11**

That, the Development Consent Authority vary the requirements of clause 7.1 (Residential Density and Height Limitations) and clause 7.3 (Building Setbacks of Residential Buildings), and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 5287 (20) Ross Smith Avenue, Town of Darwin for the purpose of 7 x 3 bedroom double storey multiple dwellings in 5 buildings, subject to the following conditions:

**CONDITION PRECEDENT**

1. Prior to the commencement of works (including site preparation), and prior to the endorsement of plans, a schematic plan demonstrating all stormwater to be collected on the site and discharged underground to Council's stormwater drainage system is to be submitted, to the requirements of Darwin City Council, to the satisfaction of the consent authority.
2. Prior to the commencement of works (including site preparation) a 'Traffic Management Plan' shall be prepared to the satisfaction of the Department of Lands and Planning's Public Transport Division that addresses the ongoing provision of public transport services during construction.

**GENERAL CONDITIONS**

3. Works carried out under this permit shall be in accordance the plans 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 facilities and electricity and telecommunications services to the land shown on the endorsed plan in accordance with the authorities' requirements.

6. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of, and be at no cost to Darwin City Council, 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, Darwin City Council, and 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. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
10. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
11. Before the use/ occupation of the development commences, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
12. All air-conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed to ground level in a controlled manner to the satisfaction of the consent authority.
13. 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.
14. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council, to the satisfaction of the consent authority.

## NOTES:

1. The Power and Water Corporation advise that the water service to each of the detached units is to be multi-metered; this may also be suitable for some of the semi-detached dwellings, please contact Power and Water Corporation for further details.
2. The Power and Water Corporation advise that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and the Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto: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 developer is to contact Telstra's Service Stream on 1-800-773-776 or [Commercial.leadin@servicestream.com.au](mailto:Commercial.leadin@servicestream.com.au) prior to any work commencing to facilitate the installation of the Telstra Network.

## REASONS FOR THE DECISION

1. The development accords with the primary purpose of Zone MD (Multiple Dwelling Residential), being to "provide for a range of housing options to a maximum height of two storeys".
2. A schematic stormwater plan is required in order for the development to demonstrate that it is technically feasible to collect stormwater on the site and dispose of it into Council's stormwater drainage system, and to ensure that no stormwater will sheet-flow into the road reserve or onto adjoining properties.
3. A 'Traffic Management Plan' is to be provided to the satisfaction of the Department of Lands and Planning's Public Transport Division as the site is on an inbound services route and such a plan is required to ensure that bus routes are not detrimentally impacted during construction.
4. A variation to clause 7.1 (Residential Density and Height Limitations) of the Northern Territory Planning Scheme for the Type C2 buildings is supported as this is consistent with the relevant purpose of clause 7.1, "to ensure that residential development is of a height compatible with adjoining or nearby existing development or development reasonably anticipated", in light of the three further Type C2 buildings on the lots to the south approved through DP05/0435 and DP06/0179. As per the 'reasons for the decision' given on DP05/0435, "the height of the buildings is unlikely to have an adverse impact on the overall amenity of the development and surrounding area in terms of compatibility of scale".

A variation to clause 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme is supported as all non-compliances are minor and do not impact on the development's ability to achieve the purpose of the clause. The development shows considerable open areas and variety to the built form, will be compatible with the streetscape and surrounding developments, especially those constructed through DP06/0179, will not impact on overlooking in any way as it is only the first floor roof of the undercroft area to unit 1 that encroaches the 'residential building' setbacks, and will have no more than a negligible impact on massing or breeze penetration as all structures are open.

**ACTION**

Notice of Consent and Development Permit

**ITEM 3**  
**PA2011/0226**

**DEPENDANT UNIT TO AN EXISTING SINGLE DWELLING, AND SHED WITH A REDUCED SIDE SETBACK  
LOT 5574 (18) DORRIGO CRESCENT, TOWN OF SANDERSON  
APPLICANT MARIA TRIKILIS**

Applicant Michael Alakiotis attended the meeting on behalf of Maria Trikilis.

**RESOLVED**  
**94/11**

That, the Development Consent Authority vary the requirements of clause 6.11 (Garages and Sheds) and clause 7.10.4 (Dependent Units) of the NT Planning Scheme and pursuant to section 53(a) of the *Planning Act* consent to the application to develop Lot 5574 (18) Dorrigo Crescent, Town of Sanderson for the purpose of a dependent unit addition to an existing single dwelling and shed addition with a reduced side setback, subject to the following conditions:

**CONDITION PRECEDENT**

1. Prior to the commencement of works (including site preparation) a schematic plan is to be provided, demonstrating that all stormwater can be collected on the site and discharged, to the requirements of Darwin City Council. This plan is to include details of site levels and stormwater drain connection points within the vicinity of the site.

**GENERAL CONDITIONS**

2. The development carried out under this permit shall be in accordance with drawing numbers 2011/0226/1 and 2011/0226/2 endorsed as forming part of this permit.
3. Storm water is to be collected and discharged into the drainage network to the technical standards of and at no cost to Darwin City Council, to the satisfaction of the consent authority.

4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities, and electricity to the land shown on the endorsed plan 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. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Darwin City Council, to the satisfaction of the consent authority.
7. The dependent unit hereby permitted must comply at all times with a dependent unit which is defined in the Northern Territory Planning Scheme as 'a dwelling ancillary to and constructed on the same site as a single dwelling for the purpose of providing accommodation for a dependent of a resident of the single dwelling'.

#### NOTES

1. This development permit does not grant "building approval" for the proposed structure. The Building Code of Australia requires that any structure 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.
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/ or surrounding infrastructure.

#### REASONS FOR THE DECISION

1. The proposed development is consistent with the primary purpose of Zone SD (Single Dwelling) which is to provide for single dwellings on individual lots.

2. A variation to Clause 7.10.4 (Dependant Units) of the NT Planning Scheme for a dependent unit greater than 50 m<sup>2</sup> is supported in this instance as the proposal is unlikely to detrimentally impact on the residential amenity of abutting land as:
  - the setback from the rear property boundary complies with the required setback of Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme;
  - the location of existing outbuildings on abutting properties will in part obscure the proposed unit; and
  - all dwellings on abutting properties are located well back from the subject site and proposed dependent unit.
3. A variation to Clause 6.11 (Garages and Sheds) for a shed with a reduced side setback is considered satisfactory in this instance as the location of the shed on the boundary is appurtenant to a shed on an abutting property to the south, with negligible visual impact on this property, and there are no dwellings or habitable room windows on any of the abutting properties which are within close proximity to the proposed shed, and which therefore satisfies the purpose of Clause 6.11 which is 'to ensure that garages and sheds are sited so they do not detract from the streetscape or the amenity of adjoining land'.
4. Darwin City Council advises it is the sole authority responsible under the Local Government Act and associated by-laws for stormwater drainage and as such have requested details of the collection and discharge of stormwater for this proposal.

**ACTION**                      Notice of Consent and Development Permit

**ITEM 4**                      **GARAGE AND CARPORT ADDITIONS TO AN EXISTING SINGLE DWELLING**  
**PA2011/0230**                **WITH REDUCED SIDE SETBACKS**  
                                  **LOT 4992 (42) GOODMAN STREET, TOWN OF NIGHTCLIFF**  
**APPLICANT**              **PAUL DAVID WINTER**

Applicant Paul Winter attended the meeting.

**RESOLVED**                That, the Development Consent Authority vary the requirements of Clause 6.11  
**95/11**                      (Garages and Sheds) and 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 4992 (42) Goodman Street, Town of Nightcliff for the  
                                  purpose of a garage and carport addition to an existing single dwelling with reduced  
                                  side setbacks, subject to the following conditions:



## CONDITION PRECEDENT

1. Prior to the commencement of works (including site preparation) a schematic plan is to be provided, demonstrating that all stormwater can be collected on the site and discharged, to the requirements of Darwin City Council. This plan is to include details of site levels and stormwater drain connection points within the vicinity of the site.

## GENERAL CONDITIONS

2. The development carried out under this permit shall be in accordance with drawing numbers 2011/0230/1 through 2011/0230/4 endorsed as forming part of this permit
3. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
4. Storm water is to be collected and discharged into the drainage network to the technical standards of and at no cost to Darwin City Council, to the satisfaction of the consent authority.
5. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Darwin City Council, to the satisfaction of the consent authority.

## NOTES:

1. This development permit does not grant "building approval" for the proposed structure. The Building Code of Australia requires that any structure 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.
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/ or surrounding infrastructure.

## REASONS FOR THE DECISION

1. The proposed development is consistent with the primary purpose of Zone SD (Single Dwelling) which is to provide for single dwellings on individual lots.
2. Variations to Clause 6.11 (Garages and Sheds) and Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme for garage and carport additions with reduced side setbacks is supported in this

instance as the proposal is unlikely to detrimentally impact on the amenity of the surrounding area as:

- there is existing vegetation on the abutting property appurtenant to the garage's location, such that the garage would not be highly visible from the neighbouring property;
- the dwelling on the abutting property to the south is well setback from the subject site, and has no windows facing the subject site;
- the garage is well setback from the front property boundary;
- the separation between the proposed garage and dwelling on the abutting site should enable adequate breeze circulation; and
- the carport is an open sided structure with only 3 posts and a small section of roof within the setback area which would have negligible visual impact;

and as such the proposal is considered to comply with the purposes of clause 6.11 which is to 'ensure that garages and sheds are sited so they do not detract from the streetscape or the amenity of adjoining land' and Clause 7.3 which include 'to minimise any adverse effects of building massing when viewed from adjoining land and the street' and 'to encourage breeze penetration through and between building'.

- 3 Darwin City Council advises it is the sole authority responsible under the Local Government Act and associated by-laws for stormwater drainage and as such have requested details of the collection and discharge of stormwater for this proposal.

**ACTION**

Notice of Consent and Development Permit

**ITEM 5  
PA2011/0273  
APPLICANT**

**MILITARY MUSEUM  
LOT 5434 (251) ALEC FOND LIM DRIVE, TOWN OF DARWIN  
NRETAS**

Applicant Lucio Maddarazzo (Cardino) attended the meeting along with Luis Darocha, Hugo Leszhen (NRETAS), Mark Dodd (DCI)

Daniel Lion attended on behalf of NRETAS

Cindy Robson (Darwin City Council) attended the meeting and addressed the authority

Submitter Margaret Clinch (PLan) attended the meeting and tabled a photograph

**RESOLVED**  
**96/11**

That, the Development Consent Authority reduce the car parking requirement from 42 bays to 40 bays pursuant to Clause 6.5.2 (Reduction in Parking Requirements) of the NT Planning Scheme, and vary the requirements of Clause 6.5.3 (Parking Layout) of the NT Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 5434 (251) Alec Fong Lim Drive, Town of Darwin for the purpose of a military museum, subject to the following conditions:

1. The development carried out under this permit shall be in accordance with drawing numbers 2011/0273/1 through 2011/0273/11 endorsed as forming part of this permit
2. Storm water is to be collected and discharged into the drainage network to the technical standards of and at no cost to Darwin City Council and/ or the Department of Natural Resources, Environment the Arts and Sport and/ or the Department of Health as the case may be, to the satisfaction of the consent authority. Any easements required over Council land for stormwater drainage purposes shall be established at no cost to council and vested in the relevant authority for which the easement is to be created.
3. The owner of the land must either establish an adequate supply of potable water onsite or enter into agreements with the Darwin City Council and/ or Power & Water Corporation for the provision of a water supply to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. An approved effluent disposal system to the requirements of the Department of Health and to the satisfaction of the consent authority must be installed concurrently with the erection of the military museum and all waste must be disposed of within the cartilage of the land, or the owner must enter into agreements with the relevant authority for the provision of sewerage facilities to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. The owner of the land must enter into an agreement with the relevant authority for the provision of electricity to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
6. 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.
7. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Darwin City Council, to the satisfaction of the consent authority.
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 Darwin City Council to the satisfaction of the consent authority.

9. 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.
10. 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.
11. 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.
12. Soil erosion and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
13. An appropriately designed and constructed bicycle parking facility shall be provided on the subject site, to the satisfaction of the consent authority.
14. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council. The area must be graded and drained and screened from public view to the satisfaction of the consent authority.
15. All air conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on the surrounding area and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.

**NOTE:**

Notwithstanding the approved plans, any proposed works within Council's road reserve is subject to Council's approval and shall meet all Council's requirements to the satisfaction of the General Manager or Infrastructure, Darwin City Council and at no cost to Council.

## REASONS FOR THE DECISION

1. The proposal is considered to be consistent with the purpose of Zone PS (Public Open Space) which is to 'provide public areas for recreational activity'. While access to the site is currently, and will remain, restricted, it is an existing situation, and the museum use, being within the broader definition of 'leisure and recreation' is consistent with the recreational purposes of the zone.
2. A reduction of 2 car parking spaces (from 42 to 40) is considered warranted in this instance based on:
  - casual observations which indicate that the current museum use attracts few vehicles at any one time;
  - the current car parking arrangements for the existing museum which is all within the Alec Fong Lim Drive road reserve, and which can readily accommodate the 2 vehicle shortfall if needed; and
  - any increase in the size of the car park to accommodate 2 additional vehicle will increase the expanse of car park which, on a site within Zone PS (Public Open Space), ideally should be kept to a minimum.
3. A variation to Clause 6.5.3 (Parking Layout) for 2 car parking bays at 2.4m in width instead of 2.5m in width, and for a car park setback of 2.2m instead of 3m is supported in this instance as:
  - the 2.4m width complies with the relevant Australian Standard AS/NZS 2890.6:2009, and applies to only 2 of the 40 parking bays, with all other bays provided at 2.7m in width;
  - the car park's location within an existing cleared area is constrained by existing site conditions, necessitating the need to encroach slightly within the setback area; and  
there is existing landscaping along the site's property frontage to immediately provide a softening effect to the car park as viewed from the street.

**ACTION**

Notice of Consent and Development Permit

**ITEM 6**  
**PA2010/1467**  
**APPLICANT**

**UNIT PLAN SUBDIVISION TO CREATE 6 UNITS**  
**LOT 6105 (23) SERGISON CIRCUIT, TOWN OF NIGHTCLIFF**  
**EARL JAMES AND ASSOCIATES**

Applicant Kevin Dodd (Earl James & Associates) attended with owner (Jason Lee).

**RESOLVED**  
**97/11**

That, the Development Consent Authority determine to vary the requirements of Clause 11.1.4 Clause 11.1.4 (Subdivision for the Purposes of a Unit Title Scheme) of the NT Planning Scheme, and pursuant to section 53(b) of the *Planning Act*, alter the application and consent to the application as altered to develop Lot 6105 (23) Sergison Circuit, Town of Nightcliff, for the purpose of a Unit plan subdivision to create 6 units, subject to the following conditions:

## CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), a full set of 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 three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - (a) Common property free of any exclusive use area immediately adjacent to the 'car parking area' for Unit 3 to provide pedestrian access to Unit 6. A minimum car parking width of 2.5m shall be maintained. Alternatively the exclusive use areas shall remain as is on the plan submitted with the application but details of the exclusive use bylaw which allows pedestrian passage over the 'car parking area' for Unit 3 shall be identified to the Development Consent Authority.
  - (b) A landscaping plan to be provided, showing details with regards to existing and proposed plant species and quantities on the subject site which softens the visual impact of the built form on the nearby residential area.
2. Prior to the commencement of works (including site preparation) a schematic plan is to be provided, demonstrating that all stormwater can be collected on the site and discharged underground to Council's stormwater drainage, to the requirements of Darwin City Council and to the satisfaction of the consent authority. This plan is to include details of site levels and stormwater drain connection points within the vicinity of the site.

## 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. Prior to new titles being issued for the units shown on the endorsed drawings, a Scheme Statement meeting the requirements of the Unit Titles Scheme Act (as confirmed by the Land Titles Office) shall be submitted to the satisfaction of the consent authority, and endorsed as forming part of this permit.
5. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for approval by the Surveyor General.
6. 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.
7. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity, services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

8. Prior to Part 5 being issued for the proposed unit title subdivision, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.

#### **REASONS FOR THE DECISION**

1. The proposed unit plan subdivision to create six (6) units is consistent with the existing development on the site, built in excess of 30 years ago.
2. The proposed unit plan subdivision to create five (6) units is generally in keeping with Clause 11.1.4 (Subdivision for the Purposes of a Unit title Scheme) and in particular will not have a detrimental environmental effect on the land or result in a loss of amenity within the locality.
3. Amended plans showing storm water drainage details including site levels will ensure the issue is satisfactory to the requirements of Darwin City Council.
4. The requirement of a unit plan showing common property free of any exclusive use area immediately adjacent to the 'car parking area' for Unit 3 to provide pedestrian access to Unit 6 will ensure that access is maintained to the satisfaction of the consent authority.
5. A landscaping plan is required in order to ensure sufficient landscaping will be provided on site in order to soften the visual impact of the development on the nearby residential area.

#### **ACTION**

Notice of Consent and Development Permit

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



**PETER MCQUEEN**  
Chairman

23/5/11