



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 179 – FRIDAY 4 NOVEMBER 2011

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

MEMBERS PRESENT: Peter McQueen (Chairman), Grant Tambling, David Hibbert
Bob Elix and Heather Sjoberg

APOLOGIES: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), Douglas Lesh and for part of the meeting
Peter Sdraulig and Israel Kgosiemang (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

**Meeting opened at 9.45 am and closed at 1.30 pm
Reopened at 2.00 pm and closed at 2.35 pm**

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

ITEM 1 **MIXED USE DEVELOPMENT COMPRISING SHOPS OFFICES AND 15 X 2**
PA2011/0700 **BEDROOM MULTIPLE DWELLINGS IN A 3 STOREY BUILDING PLUS BASEMENT**
 CARPARKING
 LOT 7625 (157) RYLAND ROAD & LOT 7626 (82) NIGHTCLIFF ROAD, TOWN OF
 NIGHTCLIFF
APPLICANT **JUPITUR (NT) PTY LTD**

Mr George Savvas (Concept Designs), Mr Michael Vazanellis and Mr George Vazanellis (both from Jupitour NT) attended.

Submitter:- Ms Margaret Clinch (PLan) attended.

RESOLVED That, pursuant to section 53(a) of the *Planning Act*, the Development Consent
252/11 Authority consent to the application to develop Lots 7625 and 7626, (157) Ryland
Road & (82) Nightcliff Road, Town of Nightcliff for the purpose of a mixed use
development comprising shops, offices and 15 x 2 bedroom multiple dwellings in a 3
storey building plus basement carparking, subject to the following conditions:

CONDITION PRECEDENT

1. 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.
2. Prior to the commencement of works (including site preparation) confirmation is to be received from the Department of Lands and Planning's Public Transport Division that bus shelter no. 221 (asset identification OOBUSNBF) immediately to the northeast of the site on Ryland Road, is relocated to the requirements of the Public Transport Division, to the satisfaction of the consent authority.
3. Prior to the commencement of works (including site preparation) a 'traffic study', prepared by a suitably qualified traffic engineer, shall be prepared to the satisfaction of the Darwin City Council. The study is to look at the impact of the development on the surrounding road network, including the Nightcliff Road/ Ryland Road intersection, and is to consider vehicular, pedestrian and cycle movements. The study is to be to the satisfaction of the General Manager Infrastructure, Darwin City Council, to the satisfaction of the consent authority.
4. Prior to the commencement of works (including site preparation) a site contamination report shall be prepared to the satisfaction of the Department of Natural Resources, Environment, the Arts and Sport (NRETAS) that addresses the potential contamination of the site resulting from former uses (and which also makes reference to the receiving site for the fill), to the satisfaction of the consent authority.

GENERAL CONDITIONS

5. Works carried out under this permit shall be in accordance the plans endorsed as forming part of this permit.
6. All works recommended by the 'traffic study' are to be completed to the requirements of Darwin City Council, to the satisfaction of the consent authority.
7. Precautionary safety measures (either auditory and/ or visual) ensuring pedestrian safety during ingress and egress associated with the loading and unloading of delivery vehicles (which does not adversely impact on the residential amenity of the surrounding area due to noise) shall be implemented to the satisfaction of the consent authority.
8. All works recommended by the site contamination report are to be completed to the requirements of NRETAS, to the satisfaction of the consent authority.
9. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
10. An Occupancy Permit under the *Building Act* shall not be granted until such time as Lots 7625 and 7626, Town of Darwin have been consolidated and a new title issued in respect of that consolidated allotment.
11. 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 and relevant legislation at the time, as determined necessary by the Power and Water Corporation.
12. 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.
13. 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.

14. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the consent authority.
15. No 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, and at the junction of the pedestrian accessway and the ground level carparking area.
16. Soil erosion and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
17. 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.
18. The landscaping shown on the endorsed landscaping plan, and as detailed on the endorsed plant schedule, must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
19. 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.
20. 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.
21. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council, to the satisfaction of the consent authority.
22. Construction work is to be conducted in accordance with the NRETAS Noise guidelines for development sites, to the satisfaction of the consent authority. 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.

NOTES:

1. It is advised that, notwithstanding the approved plans, any proposed awnings, footpaths and landscaping works within Council's road reserve are subject to approval from Darwin City Council, and shall be undertaken at no cost to Council.
2. Notwithstanding the approved plans, all signage is subject to the approval of Darwin City Council.

3. The Power and Water Corporation advise 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.
4. The developer is to contact Service Stream on Commercial.leadin@servicestream.com.au or 1-800-773-776 prior to any work commencing, to facilitate the installation of Telstra's network.

REASONS FOR THE DECISION

1. The development does not conflict with the purpose of Zone C (Commercial), being to "provide for range of business and community services", and is considered acceptable for the subject site and locality.
2. The proposed development is compliant with all of the relevant controls, exceeding them in a number of instances, presents a considered design, and takes into account the potential impact on the street and locality. The development provides an excess of carparking, meets the density control, and provides good landscaping to all boundaries.
3. With regard to clause 4.2(a)(iii) of the Planning Scheme, the development satisfies the intent of the administration of the Planning Scheme for sites and developments such as those in the subject development through its provision for the "orderly and appropriate expansion of development in the region that maximises existing development options including urban infill". The development is compliant with all relevant controls, and accordingly is considered to be of a type envisioned by the Northern Territory Planning Scheme.
4. In accordance with the requirements of section 51(e) of the *Planning Act*, due consideration has been given to the submissions received, all of which were appropriately addressed and considered by the development consent authority, some of which are to be managed through conditions of consent.
5. An assessment of the application against section 51(n) of the *Planning Act*, has concluded that the development will not unreasonably impact on the existing and future amenity of the area in which the land is situated. 'Amenity' being defined in clause 3.0 of the Planning Scheme as, "any quality, condition or factor that makes or contributes to making the locality or building harmonious, pleasant or enjoyable". The development gives due consideration to the land uses surrounding the site, with particular notice given to the residences adjoining its northeastern and southeastern boundaries.
6. In accordance with the requirements of section 51(m) of the *Planning Act*, all matters raised by the service authorities have been addressed via conditions on the development permit.

7. An assessment of the application against section 51(n) of the *Planning Act*, has concluded that the development will not unreasonably impact on the existing and future amenity of the area in which the land is situated. 'Amenity' being defined in clause 3.0 of the Planning Scheme as, "any quality, condition or factor that makes or contributes to making the locality or building harmonious, pleasant or enjoyable". The development gives due consideration to the land uses surrounding the site, with particular notice given to the residences adjoining its northeastern and southeastern boundaries. It must also be recognised that the development accords with the separation controls of clause 8.3 (Setbacks for Commercial Uses Adjacent to Land in Zones SD, MD, MR or HR) and meets the purpose of clause 8.3, which is to "protect the visual and acoustic amenity of residential buildings where they are adjacent to non-residential uses".
8. A traffic study will ensure that any impacts on the surrounding road network that result from the development can be recognised and that any upgrade works that may be required can be brought to the attention of Darwin City Council. The traffic study is to include vehicular, pedestrian and cycle movements to ensure that all movements are appropriately noted, and is in special recognition of the site's proximity to the Nightcliff Middle School.
9. 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 a services route and assurance is required that bus routes will not be affected, including during the construction phase.
10. Bus shelter no. 221 is required to be moved to ensure adequate sight lines for vehicles exiting the subject site and to prevent disruption or disadvantage to free movement of buses along Ryland Road.
11. A contamination report will ensure that any contamination that may have occurred from previous uses does not adversely impact on the subject site or the surrounding residential premises.
12. Consolidation is required by Power and Water Corporation as only one point of power supply will be provided for the proposed development, which currently extends over both lots 7625 and 7626, Town of Darwin.
13. That the Development Consent Authority acknowledges that the proposal satisfies all of the relevant controls of the Northern Territory Planning Scheme.

ACTION: Notice of Consent and Development Permit

ITEM 2
PA2011/0682

12 X 1 BEDROOM AND 28 X 2 BEDROOM MULTIPLE DWELLINGS AND ONE
LEVEL OF COMMERCIAL TENANCIES IN A 14 STOREY BUILDING
LOT 2309 (31) THE MALL, TOWN OF DARWIN
KAPETAS & ASSOCIATES

APPLICANT

DAS tabled seven plans and six coloured perspectives from the applicant.

DAS tabled seven plans and three coloured perspectives from the applicant.

DAS tabled further comments from Darwin City Council dated 31 October 2011.

Mr George Kapetas (Kapetas & Associates) and Mr Ross Connolly (MKEA Architects) attended.

RESOLVED
253/11

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 2309 (31) The Mall, Town of Darwin for the purpose of 10 x 1 bedroom and 30 x 2 bedroom multiple dwellings and one level of commercial tenancies in a 14 storey building 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. Confirmation of the particulars of the development being proposed. The statement of effect refers to 20 x 1 bedroom and 20 x 2 bedroom units, while the plans show 10 x 1 bedroom and 30 x 2 bedroom units, which also differed from the description on public notification of 12 x 1 bedroom and 28 x 2 bedroom units (although it is recognised that the total number of units remains consistent, this does impact on carparking requirements of clause 6.5.1 (Parking Requirements) and the perceived impacts of the development on the locality, through the density and unit mix to be introduced.
2. Details of treatment to the southeastern boundary, with particular consideration to be given to the development on Lot 2310 as the present design shows a blank façade to the balcony of the Vic Hotel that abuts the proposed development.
3. Written explanation of the special circumstances justifying a variation to the Tier 2 setback requirement given by clause 6.3.2 (Urban Design Requirements in Central Darwin), which seeks all building elements above 25m above ground level to be a minimum of 6m from all site boundaries in order to protect view corridors to Darwin harbour, allow for sufficient penetration of daylight and the circulation of breezes between buildings.
4. Further detail with regard to the commercial floor area on the ground level, which is given in the statement of effect as being an "anticipated 400m²."
5. Evidence that the spaces marked 1, 6, 16 and 21 (and the corresponding spaces on the other carparking levels) can function appropriately, and that cars will be able to manoeuvre in and out of these spaces with unreasonable ease.

6. As the carparking area has non-compliances with clause 6.5.3 (Parking Layout) of the Planning Scheme, special circumstances must be provided for the areas of non-compliance.
7. Confirmation with regard to the carparking layout and total number of carparking spaces provided as part of the development, noting the apparent discrepancy between the number of spaces shown on the 'typical carparking plan' for one level and the total marked on that plan for the whole development.
8. Inclusion of an electricity substation, to the requirements of the Power and Water Corporation, noting that this may also impact on the development's ability to provide appropriate loading and vehicular access, and reduce the level of 'active interface'.
9. Confirmation that the 'waste management area' shown on the ground level is sufficient to cater for a 14 storey building, and that consideration has been given to Darwin City Council's Waste Management Policy.
10. A 'traffic study' shall be prepared in consultation with Darwin City Council. The study is to look at how the vehicular access and egress (including waste removal vehicles) will interact with existing traffic arrangements immediately adjacent to the site on West Lane and the surrounding area (including any potential conflict with vehicles, bicycles, motor cycles and pedestrians). The study is to be to the satisfaction of the consent authority.
11. Confirmation of the location of the air conditioning condensers. Although the statement of effect mentions that these will all be located on the roof it is questioned whether the roof could accommodate all units required for a building of this size.
12. Further detail with regard to the accessibility to the communal open space areas on level 5 and the roof level, which is not clear on the plans provided.
13. Further detail with regard to privacy impacts that may occur between the communal and private open space areas on level 5. It is not clear whether these spaces are separated, screened, or on different floor levels, and whether any mitigation measures have been put in place.
14. Confirmation that there is sufficient soil depth for the vegetation shown on the plans to grow to a mature height.

ACTION:

Advise to Applicant

ITEM 3
PA2011/0671
APPLICANT

LEISURE AND RECREATION FACILITY (24 HOUR GYMNASIUM)
LOT 9585 (356) BAGOT ROAD, TOWN OF NIGHTCLIFF
ANYTIME FITNESS AUSTRALIA C/ - COMMUNICATIONS PLANNING

Mr David Turner (Anytime Fitness Australia) attended.

RESOLVED
254/11

That the Development Consent Authority reduce the parking requirement pursuant to clause 6.5.2 (Reduction in Parking Requirements) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 9585 (356) Bagot Road, Town of Nightcliff for the purpose of a leisure and recreation facility (24-hour gymnasium), subject to the following conditions:

GENERAL CONDITIONS

1. Works carried out under this permit shall be in accordance with the drawings numbered 2011/0671/1 and 2011/0671/2, endorsed as forming part of this permit.
2. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities, and electricity to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. 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. Notwithstanding the approved plans, all signage is subject to Council's approval and shall meet all Council's requirements to the satisfaction of the Director of Technical Services, Darwin City Council at no cost to Council.
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

REASONS FOR THE DECISION

1. The proposal accords with the primary purpose of Zone SD4 (Specific Use – Darwin No. 4), being "to facilitate the use and development of the land for a limited range of residential and commercial activities", with the use being a listed consent activity in the zone.

2. A reduction in the carparking requirements generally required through clause 6.5.1 (Parking Requirements) of the Northern Territory Planning Scheme is considered acceptable due to a previous approval granted over lot 8634 for a gymnasium (leisure and recreation), granted through clause 6.5.2 (Reduction in Parking Requirements), the provision of a large number of carparking spaces in the vicinity of the subject tenancy, the proximity of the site to good public transport links, and the 24 hour nature of the use allows for greater utilisation of the carparking available over Lots 4554, 6191, 8634 and 9585 during periods when the vast majority of uses are not in operation.

ACTION: Notice of Consent and Development Permit

ITEM 4
PA2011/0677

**CONVERSION OF EXISTING CARPORT TO A DEPENDANT UNIT WITH A
REDUCED SIDE SETBACK**

APPLICANT

**LOT 6743 (16) MAZLIN STREET, TOWN OF NIGHTCLIFF
ABP PERMITS PTY LTD**

DAS tabled a letter from the submitter Sharon Higgins.

Mr Chris Lovewell (ABP Permits) attended and tabled a response to the neighbour submission and a response to Darwin City Council submission.

Submitter Ms Sharon Higgins sent her apologies.

RESOLVED
255/11

That, the Development Consent Authority vary the requirements of clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 6743 (16) Mazlin Street, Town of Nightcliff for the purpose of the conversion of an existing carport to a dependant unit seeking a reduced side setback, subject to the following conditions:

1. Prior to occupation of the dependant unit, the applicant is to prepare a schematic plan demonstrating all stormwater can be collected on the site and discharged to Council's stormwater drainage system, to the requirements of Darwin City Council and to the satisfaction of the consent authority.
2. Prior to occupation of the dependant unit, the applicant is to provide a confirmation from a registered building certifier that the dependant unit meets the requirements of the Building Code of Australia.
3. The works carried out under this permit shall be in accordance with the drawing numbered 2011/0677/1, 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,

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gas and telecommunications services to the land shown on the endorsed plan in accordance with the authorities' requirements.

6. Storm water is to be collected and discharged into the drainage network to the technical standards and of at no cost to Darwin City Council to the satisfaction of the consent authority.

NOTE:

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.

REASONS FOR THE DECISION

1. The proposed development does not conflict with the primary purpose of Zone SD (Single Dwelling) to provide for single dwellings on individual lots, and is in line with the purpose of clause 7.10.4 (Dependant Units), in that the dependant unit subject of this application is clearly ancillary to the single dwelling on the site, and no variations are required to the prescriptive controls of clause 7.10.4.
2. A variation to clause 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme is supported as the non-compliant side setback is existing and the change in use of this space for the purposes of a dependant unit is not considered to result in any detrimental amenity impacts to surrounding premises.
3. The special circumstances, as required by clause 2.5 (Exercise of Discretion by the Consent Authority), identified for the reduced setback variation to the control given in clause 7.3 (Building Setbacks of Residential Buildings) include the fact that the wall in question has been in place for eighteen years with little apparent amenity impact, and will not change irrespective of the subject application. The proposed use of the space contained by this wall and the existing dwelling for the purposes of a dependant unit will not further detract from the amenity levels. The proposal to incorporate the non-compliant side wall into a dependant unit will see no alteration to the development's ability to satisfy the purpose of clause 7.3. The side wall is compatible with the streetscape and surrounding development, will have no impact on overlooking, and is considered to not unduly result in building massing impacts or impinged breeze penetration to surrounding sites.

4. As per section 51(n) of the *Planning Act*, the use of this element of the existing building for the purposes of a dependant unit is not seen to adversely impact on the amenity of the area in which it is situated. The proposed use is appropriate for the site, its locality, and the SD (Single Dwelling Residential) zone, and the built form is largely existing, and inclusive of a large setback from the street with well established vegetation to provide screening.
5. 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 has requested details of the collection and discharge of stormwater for this proposal.

ACTION: Notice of Determination

ITEM 5 **INTERNAL MODIFICATIONS TO INCREASE THE NUMBER OF CONSULTING**
PA2011/0452 **ROOMS OF AN EXISTING MEDICAL CLINIC (DENTIST)**
APPLICANT **LOT 4662 (26) MITCHELL STREET, TOWN OF DARWIN**
ACER FORESTER PTY LTD

Ms Riarna MacCarthy attended on behalf of the applicant.

RESOLVED
256/11

That, the Development Consent Authority determine to reduce the car parking requirement from 16 bays to 6 bays pursuant to Clause 6.5.2 (Reduction in Parking Requirements), and vary the requirements of Clause 6.5.1 (Parking Requirements) of the NT Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 4662 (26) Mitchell Street, Town of Darwin for the purpose of internal modifications to increase the number of consulting rooms of an existing medical clinic (Dentist), subject to the following conditions:

1. The works carried out under this permit shall be in accordance with drawing number 2011/0452/1 through 2011/0452/4 endorsed as forming part of this permit.
2. Before the use commences the owner must, in accordance with section 70(3) of the *Planning Act* provide 6 parking bays. In accordance with section 70(5) of the Act, 6 of the required parking bays may be provided through the payment of a monetary contribution to the Darwin City Council. The contribution is to be calculated in accordance with the requirements of section 70(6) of the Act.
3. The use and development as shown on the endorsed plans must not be altered without the further consent 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.

NOTE:

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

REASONS FOR THE DECISION

1. The proposal is consistent with the primary purpose of Zone CB (Central Business), which is to provide for a diversity of activities including administrative, judicial, professional, office, entertainment, cultural, residential, retail and other business activities, with a commitment to the separation of incompatible activities.

A reduction of 10 car parking spaces (from 16 to 6) is supported as:

- a reduction of 1 car parking bay per proposed consulting room (total of 4 bays) is based on the reasonable assumption that several persons attending the premises will already be working (or residing) within the central business area of Darwin, are therefore already in the area and would not generate any additional car parking; and a reduction of a further 3 bays is considered reasonable as the upgrades proposed are simply a fit out with no new dental staff being employed
 - a reduction of 3 bays for the 117 m² floor area floor area to be converted from the original office use to the proposed 4 consulting rooms, based on an 'assumed' credit as the building was developed for office at a time prior to any development controls requiring car parking.
3. A variation to the on-site provision of parking spaces required under clause 6.5.1 (Parking Requirements) of the Northern Territory Planning Scheme is supported as a payment in lieu to the Darwin City Council for 6 spaces will ensure that parking will be made available in the locality in the long term, and as the provision of parking for commercial uses in a publicly accessible centralised pool promotes land use efficiency and improves availability of parking to the full community.
 4. Having considered the relevant criteria under clause 6.5.2 (Reduction in Parking Requirements) of the NT Planning Scheme, the request for a waiver in car parking generated by the proposal is not supported for the following reasons:

- the permanent lease on 3 car parking bays in public car parks is considered to be for the purpose of the existing ground floor consulting rooms and not considered justified as catering to any additional proposed consulting rooms;
- no evidence has been provided demonstrating the extent (if any) of any car parking reduction as a result of the site's proximity to public transport; and
- while the existing dental clinic operating for several years, being located on a main street and has no on-site parking capabilities is acknowledged, the proposal is for an intensification of that use and requires additional car parking which cannot be provided on site, and for which no satisfactory justification has been provided for the waiver thereof.

ACTION: Notice of Consent and Development Permit

ITEM 6 **ALTERATIONS AND ADDITIONS TO EXISTING 4 X 1 BEDROOM MULTIPLE**
PA2011/0650 **DWELLINGS**
LOT 1294 (4) BAROSSA STREET, TOWN OF DARWIN
APPLICANT **GOLDBOX**

Mr Denis and Mrs Lorraine Swan (owners), Ms Maria Pajarillo (Designer) and Mr Paul Winter (Builder) attended.

RESOLVED That, the Development Consent Authority vary the requirements of Clause 7.3
257/11 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme, and pursuant to section 53(b) of the *Planning Act*, alter the proposed development and consent to the proposed development as altered to develop Lot 1294 (4) Barossa Street, Town of Darwin for the purpose of alterations and additions to existing 4 x 1 bedroom multiple dwellings, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to:
 - provide written confirmation from Darwin City Council that the proposed vehicle crossovers for each of Units 1 to 3 have been approved by DCC; or
 - submit amended plan deleting the vehicles crossovers and on site car parking for each of Units 1 to 3, and reinstatement of front fences which do not enable any vehicle access to these units.
2. Prior to the 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 minimum of 2 parallel car parking spaces for Unit 4, with the bays designed in accordance with the dimensions specified in Clause 6.5.3 (Parking Layout) of the NT Planning Scheme.

GENERAL CONDITIONS

3. Works carried out under this permit shall be in accordance with the plans 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, 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 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.
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. 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.

REASONS FOR THE DECISION

1. The proposed development is consistent with the primary purpose of Zone MD (Multiple Dwelling Residential) which is to provide for a range of housing options to a maximum height of 2 storeys.
2. The requirement for amended plans showing a redesign to the car parking spaces for Unit 4 is required to ensure car parking is functional in accordance with the requirements of Clause 6.5.3 (Parking Layout) of the NT Planning Scheme.
3. A variation to Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme for a reduced front setback is considered satisfactory in this instance as the proposal demonstrates special circumstances through:
 - the building being relatively modest and amongst existing large 2 storey buildings on abutting lots;
 - the proposal having a similar setback to Barossa Street as an abutting 2 storey multiple dwelling development;
 - some variation (recessed elements) being provided to the front of the building; and
 - existing landscaping within the front setback areas of the site;

and as such, the proposal achieves the relevant purpose of the clause which includes to ensure residential buildings are located so 'they are compatible with the streetscape and surrounding development' and 'to minimise any adverse effects of building massing when viewed from the street'.

ACTION: Notice of Consent and Development Permit

**ITEM 7
PA2011/0681
APPLICANT**

**SUBDIVISION TO CREATE 515 LOTS IN 3 PRIMARY STAGES
LOT 9737 (434) LEE POINT ROAD, TOWN OF NIGHTCLIFF
DEFENCE HOUSING AUSTRALIA**

Mr Patrick Atkinson (Tract Consulting), Mr Richard Garnham (Landscape Architect Tract Consulting), Mr Michael Donne (Investa) and Mr James Wallace (DHA) attended.

The applicant tabled a response to public submissions.

Submitters in attendance:- Mr Linus & Mrs Sharon Ninham, Mr John & Mrs Dinah Morgan, Ms Heather Delendiep, Ms Margaret Clinch (PLan), Ms Nicky Collis and Ms Jill Thyne, Mr Stuart Blanch (NT Environment Centre).

Submitter Mr Ron Dean sent his apologies.

Mr Linus Ninham (Submitter) tabled a aerial map of the proposed site and a map showing a wind rose taken from Darwin Airport.

Ms Margaret Clinch PAn (Submitter)tabled:-

- Commonwealth Parliamentary Standing Committee on Public Works June 2011
- A copy of SD23
- A copy of email correspondence between PAn and Investa; and
- A copy of the Breezes Muirhead brochure.

**RESOLVED
258/11**

That, pursuant to section 53(b) of the *Planning Act*, the Development Consent Authority alter the proposed development and consent to the proposed development as altered to develop Part Lot 9737 (434) Lee Point Road, Town of Nightcliff for the purpose of subdivision to create 515 lots, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of works (including site preparation works), the developer must enter into a formal written agreement with Darwin City Council with regard to:
 - (a) The road design and specifications having regard to the requirements of sub-clause 2(b) of Zone SD23 of the NT Planning Scheme;
 - (b) The design and specifications of the stormwater drainage systems including proposed new roads; and
 - (c) The design and specification of public open space having regard to the requirements of sub-clause 3(d)(ii) of Zone SD23 of the NT Planning Scheme;

To the requirements of Darwin City Council and all to the satisfaction of the consent authority.

2. Prior to the endorsement of plans, three full sets of amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority showing:
 - Any amendments to road, stormwater or public open space design and specifications required as a result of the formal written agreement with Darwin City Council required by condition 1.
 - All lots identified to be multiple dwelling lots having a lot size of at least 600m².
 - Block 583 identified as being a single dwelling lot.
 - An additional multiple dwelling lot (instead of Block 583) being shown as a multiple dwelling lot.
 - Landscaping details of the 20m wide vegetated visual screen along Fitzmaurice Drive.
 - Staging and sub-staging to the requirements of Darwin City Council, Power and Water Corporation and the Department of Natural Resources, Environment, the Arts and Sport.
3. Works (including site preparation works) shall not commence until the permit holder has prepared a Construction Environmental Management Plan (CEMP) to the requirements of the Department of Natural Resources, Environment, the Arts and Sport to the satisfaction of the consent authority.

The Construction Environmental Management Plan (CEMP) is to address all environmental management matters associated with the construction of the project and is to include, but is not to be limited to, the following:

- (a) Erosion & Sediment Control Management Plan
 - (b) Dust and Noise Management Plan
 - (c) Relocation measures for wildlife identified during construction works
4. A plan showing details with regard to the landscaping to be provided within the 20 metre buffer along the northern boundary of Fitzmaurice Drive is to be provided to the satisfaction of the consent authority. The Plan shall achieve a visual screen along this boundary in accordance with the requirements of Zone SD23, paragraph 4(d)(iii). The Plan is to take into consideration any stormwater infrastructure as required via Condition 1 (and addresses issues of public safety). The plan must also demonstrate to the satisfaction of the consent authority how pedestrian movement along Fitzmaurice Drive is to be adequately catered for, and demonstrate how any potential vehicular access to the subdivision from Fitzmaurice Drive is to be effectively restricted.
 5. Prior to the commencement of works (including site preparation works), the developer shall submit a haulage program for construction traffic and road condition assessment for affected roads, to the requirements of the Director, Technical Services, Darwin City Council, to the satisfaction of the consent authority.

GENERAL CONDITIONS

6. Works carried out under this permit shall be in accordance with drawings endorsed as forming part of this permit.
7. Prior to the issue of Part V clearance, a 100m wide grassland buffer is to be planted along the eastern boundary of the site, as shown on the endorsed plans. The preparation and planting of this grassland buffer is to be to the requirements of the Medical Entomology branch of the Department of Health, to the satisfaction of the consent authority.
8. The subdivision as shown on the endorsed plans must not be altered without the further consent of the consent authority.
9. The subdivision must proceed in the order of stages as shown on the endorsed plan unless otherwise agreed in writing by the consent authority.
10. 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.
11. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities, electricity supply and

telecommunications to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

12. 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.
13. Registered bore RN02839 is to be decommissioned by a water driller registered in the Northern Territory, to the requirements of NRETAS, to the satisfaction of the consent authority.
14. All proposed roads and public open space reserves to be created on the plan of subdivision submitted for approval by the Surveyor General must be dedicated to Darwin City Council.
15. A financial contribution is to be paid to Darwin City Council in accordance with Council's Lee Point Road Contribution Plan to Darwin City Council to the satisfaction of the authority.
16. The inclusion of a design covenant that future development is required to comply with and is to be registered on the title of each lot which enforces compliance with Zone SD23 of the Northern Territory Planning Scheme in particular subclauses 2(d), 2(e), 2(f) and 2(g) to the satisfaction of the consent authority.
17. The inclusion of a covenant mandating compliance with the building setbacks identified in Appendix 4 of the application. The covenant is to be registered on the title of each lot to the satisfaction of the consent authority.
18. Any planting or construction activity within any easement or within road reserves adjacent to assets of any public agency or authority shall conform to the requirements of the relevant agency or authority to the satisfaction of the consent authority.
19. Engineering design and specifications of the proposed and affected roads, including street lighting, stormwater drainage, vehicular access, pedestrian/cycle corridors, streetscaping and landscaping of nature strips are to be to the technical requirements of the Darwin City Council to the satisfaction of the consent authority and all approved works constructed at the permit holder's expense.
20. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the Darwin City Council or the Department of Lands and Planning, as the case may be, to the satisfaction of the consent authority.
21. The developer shall submit an amended hydraulic investigation taking into account the approved subdivision layout to ascertain the performance capacity of the existing Fitzmaurice Drive open channel (including on Section 6204 and 4204, Town of Nightcliff). This assessment is to assess the Fitzmaurice Drive open channel with respect to discharge from the newly created lots and from

the Fitzmaurice Drive catchment. The study shall be carried out in consultation with Darwin City Council and the Department of Lands and Planning, and be to the satisfaction of the consent authority.

22. The drainage infrastructure located on Section 6204 and 4204, Town of Nightcliff shall be modified to accommodate any increase in flows (including peak flows) identified in the hydraulic impact assessment required via Condition 21, to the technical standards of and at no cost to the Darwin City Council, the Department of Lands and Planning or the Power and Water Corporation, as the case may be, to the satisfaction of the consent authority.
23. The site must be appropriately engineered, graded and contoured to eliminate the need for any back of lot drainage to the requirements of Darwin City Council and/or Department of Planning and Infrastructure as the case may be, to the satisfaction of the consent authority.
24. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the Darwin City Council to the satisfaction of the consent authority.
25. Design specifications for Water Sensitive Urban Design (WSUD) structures and stormwater drainage are to be submitted to the Medical Entomology Branch of Department of Health and Families for assessment so as to ensure the appropriateness of the designs to limit biting insect breeding sites, to the satisfaction of the consent authority.

NOTES:

1. Professional advice regarding implementation of soil erosion control measures to be employed throughout the construction phase of the development is available from Natural Resource Management Division, Department of Natural Resources, Environment, the Arts and Sport (NRETAS).
2. The Department of Natural Resources, Environment, the Arts and Sport (NRETAS) advises that construction work should be conducted in accordance with the NRETAS 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 on Sunday and public holidays. For construction activities outside these hours refer to the guidelines for further information.
3. The permit holder shall ensure that all necessary permits and approvals are obtained in respect to any archaeological material located within the site.
4. Should the proposed parks be intended to be gifted to the Darwin City Council at any point in the future, they will require separate Council consideration and approval.
5. It is an offence to disturb or destroy prescribed archaeological places without consent under the Heritage Conservation Act 1991. Should any heritage or archaeological material be discovered during site works, you should cease

operation immediately and phone the Office of Environment and Heritage on (08) 8924 4142.

6. The Power and Water Corporation advise 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.

REASONS FOR THE DECISION

1. The proposed subdivision is consistent with the purpose of Zone SD23 which is *"to facilitate the subdivision, use and development of the land as a residential estate that provides for housing choice through a range of lot sizes and housing types"*.
2. According to the applicant the Ecologically Sustainable Design principles that underpin the strategy for Muirhead attempt to strike a balance between two important factors: breeze and solar orientation.
3. Decommissioning of registered bore RN02839 will ensure the ongoing protection of the aquifer.
4. The requirement to register design covenants and setback provisions on each title will ensure future development of the site will comply with the Zone SD23 provisions and is consistent with the Ecologically Sustainable Design principles that underpin the development.
5. The inclusion of a condition precedent requiring amended plans will address compliance with the NT Planning Scheme and servicing requirements associated with staging.
6. The inclusion of a condition precedent relating to roads, stormwater and open space will ensure adequate services and facilities are provided to the satisfaction of Darwin City Council having regard to the requirements of Zone SD23 of the NT Planning Scheme.

7. The inclusion of a condition precedent requiring a haulage program for construction traffic and road condition assessment for affected roads will ensure no adverse impacts are experienced on the amenity of the wider area.

ACTION: Notice of Consent and Development Permit

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



PETER MCQUEEN
Chairman

8/11/11