



# DEVELOPMENT CONSENT AUTHORITY

## DARWIN DIVISION

### MINUTES

MEETING No. 206 – FRIDAY 9 AUGUST 2013

BROLGA ROOM  
NOVOTEL DARWIN ATRIUM  
100 THE ESPLANADE  
DARWIN

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

**APOLOGIES:** Garry Lambert and David Hibbert

**OFFICERS PRESENT:** Margaret Macintyre (Secretary), Linda Henning, Steven Conn, Michael O'Neill, Sally Cunningham and Anthony Brennan (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Nil

Meeting opened at 9.45 am and closed at 11.45 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**                    **4 X 3 BEDROOM MULTIPLE DWELLINGS IN A 2 STOREY BUILDING**  
**PA2013/0453**        **LOT 138 (61) NIGHTCLIFF ROAD, TOWN OF NIGHTCLIFF**  
**APPLICANT**        **ROSSI ARCHITECTS**

Mr Rossi Kourounis (Rossi Architects) and Mr Andrew Mansfield (owner) attended.

**RESOLVED**  
**177/13**

That the Development Consent Authority vary the requirements of clause 6.5.3 (Parking Layout), clause 7.3 (Building Setbacks of Residential Buildings), clause 7.3.1 (Additional Setback Requirements for Residential Buildings longer than 18 metres and for Residential Buildings Over 4 Storeys in Height) and clause 7.6 (Communal Open Space) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 138 (61) Nightcliff Road, Town of Nightcliff for the purpose of 4 x 3 bedroom multiple dwellings in a two storey buildings, subject to the following conditions:

#### **CONDITIONS PRECEDENT**

1. Prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Darwin's stormwater drainage system shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority. The plan shall include details of site levels and Council's stormwater drain connection point/s.
2. Prior to the commencement of works, the applicant is to prepare an Environmental Construction Management Plan (ECMP), to the requirements of the City of Darwin, to the satisfaction of the consent authority. The ECMP is to address how construction will be managed on the site, and should specifically address waste management, traffic control, haulage routes, stormwater drainage, and the use of City of Darwin Land during construction.

#### **GENERAL CONDITIONS**

3. The works carried out under this permit shall be in accordance with the drawings numbered 2013/0453/1 through to 2013/0453/8, 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, sewerage facilities and electricity and telecommunication networks to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

6. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of, and be at no cost to the City of Darwin, to the satisfaction of the consent authority.
7. The owner shall:
  - (a) remove disused vehicle and/ or pedestrian crossovers;
  - (b) provide footpaths/ cycleways;
  - (c) collect stormwater and discharge it to the drainage network; and
  - (d) undertake reinstatement works;All to the technical requirements of, and at no cost to, the City of Darwin, and to the satisfaction of the consent authority.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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.
13. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.
14. Soil erosion and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
15. No polluted and/or sediment laden run-off is to be discharged directly or indirectly to City of Darwin drains or to any watercourse.

**NOTES:**

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

2. The 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 1 month prior to construction works commencing in order to determine the servicing requirements of the Corporation, and the need for upgrading of on-site and/or surrounding infrastructure.
  - The developer is responsible for the full cost to provide required power supply to the proposed development.
  - Payment is to be made in accordance with PAWC's 'water and sewerage services extension policy' (WASSEP) prior to the receipt of development clearance from PAWC.
3. Professional advice regarding implementation of soil erosion and dust control measures to be employed throughout the construction phase of the development is available from the Department of Land Resource Management.
4. The Department of Lands, Planning and the Environment's 'Environment Protection Agency advises that construction work should be conducted in accordance with the Department's Noise guidelines for development sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
5. Telstra advises that the developer is required to contact "Dial Before You Dig" on 1100 to obtain a location of the Telstra network, and arrange for any removal or relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.

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

1. The proposed development is consistent with the purpose of Zone MD (Multiple Dwelling Residential), which is to provide "for a range of housing options to a height of two storeys above ground level" and being of a "scale, character and architectural style" that is "compatible with the streetscape and surrounding development".
2. A variation to Clause 6.5.3 (Parking Layout) is acceptable as only a small portion of the visitor's car parking space encroaches into the front setback. The application proposes a 1.4m landscaped area which is considered to soften and limit the impact of this minor non-compliance, and the additional parking space provides a benefit to area by reducing on-street parking demand by one space. It is considered that the proposed car parking layout is generally in accordance with the purpose of clause 6.5.3 as it is appropriately designed, constructed and maintained for its intended purpose, and a variation to the clause is acceptable in this instance.

3. A variation to Clause 7.3 (Building Setbacks of Residential Buildings) is acceptable as only a small corner section of the planter box on the first floor encroaches into the southern side boundary setback. The planter box acts as feature screening and as such avoids any issues of overlooking of adjoining properties, and additionally creates variety to the side of the building and has little impact in terms of building massing when viewed from adjoining land. It is considered that this minor non-compliance is acceptable and a variation to clause 7.3 is supported.
4. A variation to Clause 7.3.1 (Additional Setback Requirements for Residential Buildings Longer than 18m and for Residential Buildings Over 4 Storeys in Height) is acceptable as the planter boxes and the terraces, which are largely open, and the inclusion of a 3.1m breezeway link and other recesses to the building walls all act to reduce the solid form and massing impacts of the building and 'break-up' the overall form. Pursuant to section 51(b) of the *Planning Act*, a consent authority must, in considering a development application, take into account any proposed amendments to the planning scheme. A revision to clause 7.3.1 has been on exhibition, and it is considered that the design of the residential building is consistent with the revised clause, which is to ensure that residential buildings are located so as to minimise any adverse effects of building massing and visual bulk when viewed from adjoining land and the street. This is considered to represent a 'special circumstance' to support the proposed development.
5. A variation to Clause 7.6 (Communal Open Space) is acceptable as the proposal provides private open space well in excess of that required by the planning scheme. The private open space areas achieve the objectives of clause 7.6 by meeting the needs of children for outdoor play and lending themselves to a variety of activities. The provision of planter boxes around the perimeter provide shade and privacy, and being attached to the internal living areas ensures the area can be safely managed and maintained. Informal surveillance of the street and surrounding areas should also be enhanced. It is considered that the provision of large private open space areas at more than 10 times the required amount provides for a better development outcome than the provision of communal open space, and a variation to clause 7.6 is acceptable in this instance.
6. Pursuant to section 51(e) of the *Planning Act*, in considering a development application the consent authority is required to take into account any submissions made under section 49. One submission was received raising concerns with the proposal particularly in regard to on-street parking on Nightcliff Road. The proposal exceeds the requirements of clause 6.5.1 (Parking Requirements) by providing two spaces per unit plus one visitor's space.
7. Pursuant to section 51(n) of the *Planning Act*, the consent authority must take into account the potential impact on the existing and future amenity of the area in which the land is situated. The application is consistent with the primary purpose of Zone MD (Multiple Dwelling Residential),

and where the proposal seeks variations to the requirements of the planning scheme it has been demonstrated that the purpose of these clauses have been met. The proposal achieves compliance with the density, building height, car parking, landscaping, and private open space requirements of the NT Planning Scheme which is considered to demonstrate that the development is suitable for the site. For the above reasons, the proposed development is not expected to unduly impact on the existing and future amenity of the area.

8. 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.

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

**ITEM 2**  
**PA2013/0459**  
**APPLICANT**

**SHADE SAIL ADDITION TO AN EXISTING MULTIPLE DWELLING (UNIT 1) WITH A REDUCED PRIMARY AND SECONDARY STREET SETBACK LOT 2527 (7) MARGARET STREET, TOWN OF DARWIN**  
**SHADE AND PLAY PTY LTD**

Mr Glen Morcom (Shade and Play Pty Ltd) attended.

**RESOLVED**  
**178/13**

That, the Development Consent Authority vary the requirements of clause 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme and, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 2527 (7) Margaret Street, Town of Darwin, for the purpose of a shade sail addition to an existing multiple dwelling (Unit 1) with reduced primary and secondary street setbacks, subject to the following conditions:

#### **GENERAL CONDITIONS**

1. The works carried out under this permit shall be in accordance with the drawing numbered 2013/0459/1, endorsed as forming part of this permit.
2. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to City of Darwin to the satisfaction of the consent authority.
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.

#### **NOTES:**

1. The Power and Water Corporation advises that the developer is responsible for safety clearance compliance between existing overhead powerlines in the area and any new building or extension during construction and its completed stage

in accordance with the NT Electricity Reform (Safety and Technical) Regulations 2000. If any work is required on exiting overhead powerlines, the design and installation cost shall be borne by the developer.

2. The Department of Lands, Planning and the Environment's 'Environment Protection Agency' advises that construction work should be conducted in accordance with the Department's Noise guidelines for development sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

### 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 two storeys above ground level". The development is ancillary to the multiple dwelling and appropriate to the area.
2. A variation to the requirements of clause 7.3 (Building Setbacks of Residential Buildings) for reduced primary and secondary street setbacks is acceptable as the shade sail and associated support columns, with widths of approximately 0.1m, will form the only element of the structure of any noticeable mass, which will mean that the visual impact when viewed from the street and adjoining properties should be minimal. The location and dimensions of the proposed shade sail are reasonable given there is an existing in-ground pool at the front of the site. The shade sail will be attached to the verandah of the existing dwelling and supported by two posts at heights of 2.2m and 2.7m, and is not considered to result in any noticeable impact on breeze penetration to the existing building or those in the vicinity. It is considered that the proposal complies with the purpose of this clause and is appropriate to the site and its locality.

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

**ITEM 3**  
**PA2013/0430**

**35M HIGH TELECOMMUNICATIONS FACILITY WITH ASSOCIATED ANTENNAS  
AND EQUIPMENT SHELTER  
LOT 6655 (3) DALWOOD CRESCENT, TOWN OF SANDERSON  
APPLICANT TELSTRA CORPORATION LIMITED**

**APPLICANT**

Mr Mark Baade (S K Planning Pty Ltd) attended on behalf of the applicant.

**RESOLVED**  
**179/13**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 6655 (3) Dalwood Crescent, Town of Sanderson for the purpose of a 35m high telecommunications facility with associated antennas and equipment shelter, subject to the following conditions:

## CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - Additional landscape screen treatment around the perimeter of the telecommunication facility that will provide adequate screening of ground level equipment (including the base of the tower, air-conditioning condenser units and equipment hut) from the surrounding residential and community use sites. The landscaping choice should demonstrate consideration for how the planting will minimise the impact of the facility on the amenity of the area as suggested by Clause 13.5 (Telecommunication Facilities) of the NT Planning Scheme.
2. Prior to the endorsement of plans and prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Darwin stormwater drainage system shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority.

## GENERAL CONDITIONS

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

## NOTES:

1. 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 in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.



2. The Power and Water Corporation advises that full lot fire coverage cannot be achieved from existing hydrants and internal fire fighting arrangements should be made to the satisfaction of the NT Fire and Rescue Service.
3. Department of Defence advises that a separate request for assessment and approval under the Defence (Area Control) Regulations must be submitted to the Minister's Delegate at the following address:

Assistant Secretary Estate Planning  
Department of Defence  
BP3-1-B001  
Brindabella Park  
CANBERRA ACT 2609

Until such time as an approval is obtained, the applicant may not construct any structure on the site that exceeds 15m AGL.

### **REASONS FOR THE DECISION**

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

The proposal has been assessed against the requirements of the NT Planning Scheme and complies with the relevant clauses.

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

Due to the height and design of the telecommunications facility, the tower is expected to have an impact on the amenity of the existing and future amenity of the area irrespective of its siting on the property. The existing landscaping will offer some screening of the tower and the additional landscaping required will further aid in minimising the impact on the adjacent and nearby residential and community use sites.

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

The purpose of the development is to provide a telecommunication facility which will form part of Telstra's Next G® network. The upgrade facilitated by this new development will enable improvements to the network coverage and capacity to the area thereby ensuring a reliable delivery of mobile services to the area.

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

ITEM 4  
PA2013/0479

**CHANGE OF USE FROM SHOWROOM SALES AND WAREHOUSE TO MEDICAL CLINIC (TENANCY ONE)**

**LOT 8010 (44) STUART HIGHWAY, TOWN OF DARWIN**

APPLICANT

**MASTERPLAN NT**

Pursuant to section 97(1) of the *Planning Act*, Mrs Jeanette Anictomatis, a member of the Darwin Division of the Development Consent Authority declared a conflict of interest and was not present during or took part in the deliberation or decision of the Division in relation to Item 4.

Mr Brad Cunnington (Masterplan NT) and Mr Terry Finocchiaro (owner) attended.

**RESOLVED  
180/13**

That, the Development Consent Authority reduce the car parking requirement from 117 to 103 bays 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 8010 (44) Stuart Highway, Town of Darwin for the purpose of a change of use from showroom sales and warehouse to medical clinic (tenancy one), subject to the following conditions:

**CONDITIONS PRECEDENT**

1. Prior to the endorsement of plans and prior to commencement of works amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - A notation confirming that the use of the immunisation room, pathology rooms (2) and treatment room is to be ancillary to the use of the consulting rooms and that any change to the use of these rooms will require further consent.

**GENERAL CONDITIONS**

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
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. 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 use and development shown on the endorsed plan must not be altered without the further consent of the consent authority.

## NOTES:

1. 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 in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to Council.

## REASONS FOR THE DECISION

1. The proposal is generally consistent with the purpose of Zone SC (Service Commercial) which is to provide for commercial activities which, because of the nature of their business or size of the population catchment, require larger sites. The medical clinic will be located in one of the smaller tenancies that make up the existing large building on the property.
2. Having considered the criteria listed in Clause 6.5.2 (Reduction in Parking Requirements) of the NT Planning Scheme, a reduction of 14 bays (from 117 to 103) is considered warranted based on detail presented in the car parking availability report provided with the application. The report demonstrates an underutilisation of vehicle parking on the site and in the vicinity and sufficient parking numbers are considered to be provided to cater for the medical clinic.

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

**ITEM 5** **DEMOUNTABLE STRUCTURE ADDITION TO EXISTING SUPPORTING**  
**PA2013/0449** **ACCOMMODATION FOR ANCILLARY OFFICE USE**  
**LOTS 1542 & 1543 (136) & (134) VANDERLIN DRIVE, TOWN OF SANDERSON**  
**APPLICANT** **DAVID WHITEHEAD**

Mr David Whitehead (David Design and Drafting Pty Ltd) attended.

**RESOLVED** That the Development Consent Authority determine to vary the requirements of  
**181/13** clause 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 1542 (136) and Lot 1543 (134) Vanderlin Drive, Town of Sanderson, for the purpose of a demountable structure addition to an existing supporting accommodation for ancillary office use, subject to the following conditions:

## CONDITION PRECEDENT

1. Prior to the commencement of works (including site preparation), 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 the City of Darwin, to the satisfaction of the consent authority.

## GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawing numbered 2013/0449/1 and 2013/0449/2, 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. The signage on the site is restricted to a total of 0.5m<sup>2</sup> in area.
5. No goods are to be stored or left exposed outside the buildings so as to be visible from any public street.
6. Any external lighting used in connection with the use must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the consent authority.
7. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the Council, to the satisfaction of the consent authority.
8. 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.
9. 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.
10. 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.
11. 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.

## NOTES:

1. Notwithstanding the approved plan, all signage and any works and/ or landscaping within Council's road reserve will be subject to approval from the City of Darwin, and be at no cost to the City of Darwin.
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
3. It is advised that the NT Environment Protection Agency requires construction work to be conducted in accordance with its noise guidelines for development sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

## REASONS FOR THE DECISION

1. The proposal is consistent with clause 5.1 (Zone SD – Single Dwelling Residential) of the Northern Territory Planning Scheme, which allows for “non-residential uses or development that are limited to those which predominantly service the local neighbourhood and do not have any detrimental effect on residential amenity”.
2. A variation to clause 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme is supported as the subject application only sees the addition of one parking bay, which has identical non-compliances to those present in the current carparking arrangement. Four of the ten parking spaces (three of which are existing), have dimensions slightly less than that given by the diagram to clause 6.5.3, and are not provided with a 3m landscaped setback from the front boundary. The parking area has shown itself to be workable over the duration of the supporting accommodation use, which has been running since 2002, and the lack of landscaping is negated by the screening present along the entirety of the front boundary of the site. This is a largely pre-existing non-compliance, with just one additional parking space resulting from this application, with the other 9 bays having already been approved in form and layout through development permits DP02/0210 and DP02/0210A. The subject application accords with the purpose of clause 6.5.3, to provide a “carparking area that is appropriately designed, constructed and maintained for its intended purpose” and is considered appropriate for the site and not to impact on the surrounding locality.

3. The proposal is seen to accord with the purpose of clause 6.8 (Demountable Structures) of the Northern Territory Planning Scheme, which states that demountable structures are not to “detract from the visual amenity of an area”. The demountable shall not be visible from the street, is compliant with the setback controls given in the table to clause 6.8, and provides a good level of landscaping within its rear setback to ensure appropriate screening to the neighbouring property. The demountable gives consideration to amenity impacts of overlooking and potential building massing, and is seen as an acceptable introduction to the site and its locality.
4. A schematic stormwater plan is required in order for the development to demonstrate that it is technically feasible to collect stormwater on the site and dispose of it into Council’s stormwater drainage system, and to ensure that no stormwater will sheet-flow into the road reserve or onto adjoining properties.
5. Pursuant to section 51(n) of the *Planning Act*, the development is not considered to result in any undue detrimental amenity impacts on the site and its surrounding locality. The use is seen as appropriate to the site, subject to satisfaction of the conditions given on this permit.

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

**ITEM 6**                    **88 X 2 BEDROOM AND 44 X 3 BEDROOM MULTIPLE DWELLINGS IN 1 X 5**  
**PA2013/0477**            **AND 3 X 7 STOREY BUILDINGS IN FOUR STAGES**  
**APPLICANT**            **LOTS 4965 & 8641 (63) & (65) PROGRESS DRIVE, TOWN OF NIGHTCLIFF**  
**BELL GABBERT ASSOCIATES PTY LTD**

Mr Mark Bell (Bell Gabbert Associates) attended.

Submitter Ms Fiona Douglas attended and tabled an email to the developer including three pages of photographs showing run off from the site.

**RESOLVED**  
**182/13**

That the Development Consent Authority vary the requirements of clause 7.7 (Landscaping for Multiple Dwellings, Hostels and Supporting Accommodation) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lots 4965 & 8641 (63 & 65) Progress Drive, Town of Nightcliff for the purpose of 132 multiple dwellings in 4 stages, subject to the following conditions:

**GENERAL CONDITIONS**

1. The works carried out under this permit shall be in accordance with the drawings numbered 2013/0477/01 through to 2013/0477/15, endorsed as forming part of this permit.
2. Prior to the commencement of the use, a waste management plan addressing the City of Darwin’s Waste Management Policy 054, in relation to the

development proposed through PA2013/0477, must be prepared to the requirements of the City of Darwin, to the satisfaction of the consent authority.

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. 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 telecommunication networks to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the Council, 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, and be at no cost to the City of Darwin, to the satisfaction of the consent authority.
7. The owner shall:
  - (a) remove disused vehicle and/ or pedestrian crossovers;
  - (b) provide footpaths/ cycleways;
  - (c) collect stormwater and discharge it to the drainage network; and
  - (d) undertake reinstatement works;All to the technical requirements of, and at no cost to, the City of Darwin, 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:
  - i. constructed;
  - ii. properly formed to such levels that they can be used in accordance with the plans;
  - iii. surfaced with an all-weather-seal coat; and
  - iv. drained;to the satisfaction of the consent authority.  
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
9. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
10. 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.

11. 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.
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 the City of Darwin, to the satisfaction of the consent authority.
15. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
16. An Occupancy Permit under the *Building Act* shall not be granted until such time as Lots 4965 and 8641, Town of Nightcliff have been consolidated and a new title issued in respect of that consolidated allotment.
17. All works recommended by the 'Traffic and Transport Assessment' prepared by TTM Consulting (GC) Group Pty Ltd, dated April 2012 and submitted in connection with PA2010/1403, are to be completed to the requirements of the City of Darwin, to the satisfaction of the consent authority.

**NOTES:**

1. The City of Darwin advises that, notwithstanding the approved plans, any proposed awnings, footpaths and landscaping works within Council's road reserve are subject to approval from the City of Darwin, and shall be undertaken at no cost to Council.
2. The Power and Water Corporation advises that:
  - Payment is to be made in accordance with PAWC's 'water and sewerage services extension policy' (WASSEP) prior to the receipt of development clearance from PAWC.
  - The 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 1 month prior to construction works commencing in order to determine the servicing requirements of the Corporation, and the need for upgrading of on-site and/or surrounding infrastructure.
3. The Department of Lands, Planning and the Environment's 'Environment Protection Agency' advises that construction work should be conducted in accordance with the Department's Noise guidelines for development sites. The



guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

4. The developer is to contact Telstra via the following website prior to any work commencing to facilitate the installation of the Telstra network: <http://www.telstrasmartcommunity.com/>, and is to register the development with NBN Co at <http://www.nbnco.com.au/getting-connected/new-developments.html>.
5. The developer is required to contact 'Dial Before You Dig' on 1100 to obtain a location of the Telstra Network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.
6. Any lighting installed as part of the development is to consider section 9.21 '*Lighting in the Vicinity of Aerodromes*' of the CASA Manual of Standards Part 139, available at: <http://www.commlaw.g/Details/F2012C00280>.
7. The consent authority notes the assurance given by the applicant that the developer will ensure strict compliance with the conditions of the development permit relating to the proper management of erosion and sediment control for the entire span of the construction phase of the development.

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

1. The proposal is consistent with the primary purpose of zone HR (High Density Residential), which is, "to provide high density housing options close to major roads, schools and other community facilities".
2. A variation to clause 7.7 (Landscaping for Multiple Dwellings, Hostels and Supporting Accommodation) of the Northern Territory Planning Scheme is supported as the landscaping provided meets the purpose of clause 7.7 by 'complementing and enhancing the streetscape, being attractive and pleasant, and contributing to a safe environment'. The site also benefits from the significant areas of undeveloped land to the southwest, in zones PS (Public Open Space) and CN (Conservation), which will remain and which will be of aesthetic and amenity benefit. The development incorporates landscaping around the perimeter of the site, sets back each building such that none are imposing on adjoining sites, and has a considerable buffer to Progress Drive. The level of landscaping proposed is consistent with that approved through development permit DP12/0398.
3. A waste management plan is required in order to confirm that waste can be removed from the site in accordance with Council's policy and without unduly impacting on traffic flows, and in recognition of the requirements of section 51(m) of the *Planning Act*, which requires the consent authority to give consideration to all comments received from

service authorities, ensuring that an appropriate level of service is maintained for the site, without impacting on the surrounding locality.

4. The development is appropriate for the site and locality. It is adjacent to 3 x 6 storey buildings, and located within zone HR (High Density Residential), and compliant with the majority of controls in the NT Planning Scheme, including being below the density level permitted through clause 7.1 (Residential Density and Height Limitations). Consideration has also been given to the streetscape and land in zone SD (Single Dwelling Residential) to the north, noting the significant roadway separation of approximately 40m and further building setbacks and landscaping to soften the development's impact. The development is also largely similar to that approved over the subject site through DP12/0398.

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

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



**PETER MCQUEEN**  
Chairman

14/8/13