



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 206 – FRIDAY 8 MARCH 2013

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

MEMBERS PRESENT: Peter McQueen (Chairman), David Hibbert, Grant Tambling, Garry Lambert and Robin Knox

APOLOGIES: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), Hanna Stevenson, Michael O'Neill, Sally Cunningham and Tony Brennan (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 9.45 am and closed at 11.50 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 **HOME OCCUPATION IN AN EXISTING SINGLE DWELLING (PERSONAL**
PA2013/0051 **TRAINING)**
APPLICANT **LOT 1396 (80) WULAGI CRESCENT, TOWN OF SANDERSON**
CAROL HANLEY

DAS tabled an addendum – further comments from City of Darwin.

Ms Carol Hanley attended and tabled five letters of support from adjoining neighbours.

RESOLVED
62/13

That, the Development Consent Authority vary the requirements of Clause 7.10.7 (Home Occupation) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 1396 (80) Wulagi Crescent, Town of Sanderson for the purpose of home occupation in an existing single dwelling (personal training), subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans, 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 generally in accordance with the plans and information submitted with the application but modified to include:
 - a. A formalised schedule/time-table of training sessions consistent with those provided in the application, including the maximum number of clients nominated as 8 and limited to operating within the following times:
 - i. Monday, Tuesday, Wednesday and Thursday from 5pm to 7pm;
 - ii. Wednesday from 8.30am to 9.30am; and
 - iii. Saturdays (during dry season) from 8am to 9am.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with drawing numbers endorsed as forming part of this permit.
3. The use 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, drainage, 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. No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.
7. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the consent authority.
8. No goods are to be stored or left exposed outside the building(s) so as to be visible from any public street

NOTES:

1. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, 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. Pursuant to section 51(a) of the *Planning Act*, the authority must consider any planning scheme that applies to the land to which the application relates.

The site is located within Zone SD (Single Dwelling) where the use of the land for the purpose of 'home occupation' is permitted without consent subject to compliance with the requirements of Clause 7.10.7. A variation to subclause 2(b) of Clause 7.10.7 is supported as the non-compliance represents only a minor deviation from the Scheme's requirements by exceeding the maximum area used for the home occupation by 3.69m² (total area 33.69m²). Despite this non-compliance, the proposed use is still considered to be consistent with the definition of 'home occupation' (as defined in the Scheme) and the type of development expected in this zone given that it services the local neighbourhood by providing opportunities for residents to access the facilities provided. The non-compliance is minor and is not considered to impact on the amenity of the area. The noise and vehicle parking demand associated with the personal training business (as documented in the application) is not assessed as having the potential to unreasonably impact on the amenity of the area.

Provided that only the areas marked on the submitted plans are used for the personal training and the scale of the operations does not increase, no

significant impact on the existing or future amenity is anticipated. The recommended conditions of approval will also restrict the impact on surrounding residences by limiting the hours of operation and the number of clients on the site at any one time.

2. Pursuant to section 51(e) of the *Planning Act*, consideration has been given to the submission lodged under section 49 of the Act. The primary concerns raised included on-street parking and noise, are addressed through the limitation of session hours and client numbers and should result in a reasonable and appropriate amenity outcome.

ACTION: Notice of Determination

ITEM 2 **SHADE SAIL ADDITION TO AN EXISTING MULTIPLE DWELLING WITH A**
PA2013/0069 **REDUCED FRONT SETBACK (UNIT 2)**
APPLICANT **LOT 1272 (10) BAROSSA STREET, TOWN OF DARWIN**
MAX INNES

Mr Max Innes attended.

RESOLVED
63/13

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*, consent to the application to develop Lot 1272 (10) Barossa Street, Town of Darwin for the purpose of a shade sail addition to an existing multiple dwelling with a reduced front setback (Unit 2), subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings numbered 2013/0069/1 and 2013/0069/2, 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.

NOTES:

1. This development permit does not grant 'building approval' for the proposed structure. The Building Code of Australia requires that any structure within 900mm of a boundary meets minimum fire resistance level requirements, and accordingly you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing demolition or construction works.
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) 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 servicing requirements of the Corporation, and the need for upgrading of on-site and/or surrounding infrastructure.

REASONS FOR THE DECISION

1. The proposed development does not conflict with the primary purpose of zone MD (Multiple Dwelling Residential) in any way, which is to “provide for a range of housing options to a maximum height of two storeys above ground level”. The works are considered to be appropriate to the site and be compatible with the streetscape and surrounding development.
2. A variation to clause 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme is supported as the open and lightweight nature of the structure mean that a front setback of 1m will still see it satisfy the purpose of this clause. Heavy landscaping exists to the front of units 1 and 3, and the shade sail will have minimal impact on the streetscape or existing built form. The sail and associated support columns, which form the only element of the structure of any noticeable mass and have a measured width of just 0.15m, will be approximately 15m from the boundary with either of the neighbouring lots, which, when coupled with the effect of the dense vegetation over this and other properties in the vicinity, will mean that the visual impact is negligible. The shade sail will not result in any overlooking impacts and will have no noticeable impacts on breeze penetration to the existing building or surrounding premises.

ACTION: Notice of Consent and Development Permit

**ITEM 3
PA2013/0022**

SINGLE DWELLING WITH A REDUCED SIDE SETBACK AND REDUCED PRIVATE OPEN SPACE AREA FROM THOSE REQUIRED IN ZONE SD20 (SPECIFIC USE DARWIN NO. 20)

APPLICANT

**LOT 7724 (36) RUDDICK CIRCUIT, TOWN OF DARWIN
ALAN BUSH**

The applicant sent his apologies as he is unable to attend as he is overseas.

**RESOLVED
64/13**

That, the Development Consent Authority vary the requirements of Zone SD20 (Specific Use Darwin No. 20) and 7.5 (Private 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 7724 (36) Ruddick Circuit, Town of Darwin for the purpose of a single dwelling with a reduced side setback and a reduced private open space area from those required in Zone SD20 (Specific Use Darwin No. 20), subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the local stormwater drainage system shall be submitted to and approved by the City of Darwin, to

the satisfaction of the consent authority. The plan shall include details of site levels and stormwater drain connection points.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings numbered 2013/0022/1 through to 2013/0022/6, 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 owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the City of Darwin, to the satisfaction of the consent authority.
6. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways;
 - (c) collect stormwater and discharge it to the drainage network; and
 - (d) undertake reinstatement works;all to the technical requirements of and at no cost to the City of Darwin, to the satisfaction of the consent authority.
7. 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 of to ground level in a controlled manner to the satisfaction of the consent authority.
8. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.
9. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
10. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into City of Darwin drains or to any watercourse.

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction

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

2. A "Permit to Work Within a Road Reserve" may be required from the City of Darwin before commencement of any work within the road reserve.
3. Professional advice regarding implementation of soil erosion control 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 Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency'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 single storey dwelling is consistent with the purpose of Zone SD20 (Specific Use Darwin No. 20) of the Northern Territory Planning Scheme, being to facilitate the subdivision, use and development of the land as a residential estate.
2. The relatively small size and irregular shape of the subject lot, location of a light pole in line with the preferred garage location, and the location of the adjoining dwelling setback 1.5m from eastern boundary (where a zero setback is permitted), is considered to represent a special circumstance. These factors act to cumulatively constrain the development of a reasonably sized dwelling whilst complying with the building envelope approved for the property and various requirements of the NT Planning Scheme.
3. A variation to the building envelope approved for the lot under Zone SD20 (Specific Use Darwin No. 20) is acceptable as the proposed dwelling is consistent with the purposes of Zone SD20 and setbacks in general. The garage would be well set back from the front property boundary and the building line would be consistent and compatible with existing development in the street. The front facade of the dwelling and garage are well articulated and include varied building materials. The garage is therefore unlikely to have an adverse visual impact in terms of building massing when viewed from the street and the adjoining property. The reduced setback along the eastern side is unlikely to compromise breeze penetration or facilitate overlooking as there will still be a minimum of 3m to the adjoining dwelling. It is considered both practical and acceptable to locate the public open space at the rear of the dwelling as it connects to the main living areas and takes advantage of the Darwin CBD skyline, providing an extension of the function of the dwelling and is consistent with the purpose of the clause.

4. A variation to Clause 7.5 in regard to the non-compliant private open space dimensions is acceptable due to the minor nature of the non-compliance. The private open space area exceeds the 50m² minimum size requirement and its dimensions are considered both practical and acceptable as it connects to the main living areas and takes advantage of the Darwin CBD skyline, providing an extension of the function of the dwelling and is consistent with the purpose of the clause.

ACTION: Notice of Consent and Development Permit

ITEM 4
PA2012/0985

**SHOPS AND OFFICES IN A 20 STOREY BUILDING PLUS 1 LEVEL OF BASEMENT
CAR PARKING AND CAR PARKING AT LEVELS 1, 2 & 3
LOTS 2311, 2312, 5313, 5314 & 5565 (23) & (21) THE MALL, (6A) & (6) WEST
LANE & (19) THE MALL, TOWN OF DARWIN
APPLICANT MKEA ARCHITECTS PTY LTD**

DAS tabled an addendum – a detailed plan of ground floor

Mr Ross Connolly (MKEA Architects) and Mr Mark Jagla (Paspaley Properties) attended.

Mr Connolly tabled two photos of the proposed screening for the carpark.

RESOLVED
65/13

That, the Development Consent Authority reduce the car parking requirement from 495 bays to 413 bays pursuant to Clause 6.5.2 (Reduction in Parking Requirements) of the Northern Territory Planning Scheme and that, the Development Consent Authority vary the requirements of Clauses 6.3.2 (Volumetric Control in Central Darwin), 6.3.3 (Urban Design Requirements in Central Darwin), 6.5.1 (Parking Requirements), 6.5.3 (Parking Layout) and 6.6 (Loading Bays) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lots 2311, 2312, 5313, 5314 & 5565 Town of Darwin (19, 21 & 23 The Mall and 6 & 6A West Lane, Darwin City) for the purpose of shops and offices in a 20 storey building plus 1 level of basement car parking and car parking at levels 1, 2 & 3, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) Adequate access to the indoor substation, to the requirements of the Power and Water Corporation.
 - (b) Dimensions of the indoor substation chamber, to the requirements of the Power and Water Corporation.

- (c) The inclusion of awnings along the West Lane frontage of the site.
 - (d) Full compliance with Clause 6.5.3 (Parking Layout) of the NT Planning Scheme, or the submission of an assessment of the car park layout by a traffic engineer confirming compliance with the relevant Australian Standards.
 - (e) Further details of the screening proposed to the podium car park levels, and possible further treatment of the Smith Street Mall façade of the car park podium to mitigate its impact on the Mall as well as add variety and interest to the building.
 - (f) Appropriate shower facilities as part of the cyclist end-of-trip facilities.
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to submit a traffic impact assessment report prepared in accordance with the Austroads document 'Guide to Traffic Management Part 12: Traffic Impacts of Developments', with attention given to vehicular, pedestrian, cyclist and public transport issues and opportunities. The assessment should also address the proposed access arrangement, waste collection, the treatment of the Bennett Street/West Lane intersection and the inclusion of a right turn lane into West Lane from Bennett Street. The report is to be to the requirements of the City of Darwin, to the satisfaction of the consent authority.
 3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation) evidence must be provided demonstrating that the applicant has entered into agreements with the City of Darwin with regard to the proposed encroachments over Council land, to the satisfaction of the consent authority.
 4. Prior to the endorsement of plans and prior to the commencement of works (including site preparation) evidence must be provided demonstrating that the applicant has entered into agreements with the City of Darwin and any other required party to reconfigure the existing easements registered over Lots 5312, 5313 and 5314, to accommodate the needs of all parties involved, to the satisfaction of the consent authority.
 5. Prior to the endorsement of plans and prior to the commencement of works (including site preparation) written acknowledgement from the City of Darwin, Power and Water Corporation and NT Fire and Rescue Services confirming that the requirement for service provisions has been discussed with a view to minimise their impact on active street frontages must be provided to the satisfaction of the consent authority.
 6. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a schematic plan demonstrating the on-site collection of stormwater and its discharge into the 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.
 7. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to submit a Waste Management

Plan demonstrating waste disposal, storage and removal, to the requirements of the City of Darwin and to the satisfaction of the consent authority.

8. Prior to the commencement of works (including site preparation) a 'Comprehensive Traffic Management Plan' shall be prepared to the satisfaction of the Department of Transport's Public Transport Division, which addresses the ongoing provision of public transport services during construction.
9. Prior to the commencement of works, a Construction Management Plan (CMP) must be submitted for the demolition and construction phase of the development, to the requirements of the City of Darwin and to the satisfaction of the consent authority. When approved, the CMP will be endorsed and will then form part of the permit. The use must at all times be conducted in accordance with the endorsed plan. The CMP is to include, but is not limited to, the following:
 - (a) Details of how waste management, pedestrian and vehicle traffic, construction related vehicle parking, use of City of Darwin land, stormwater drainage and haulage will be managed.

GENERAL CONDITIONS

10. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
11. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority, to the satisfaction of the consent authority.
12. Any easements required for the reticulation of water supply, drainage, sewerage facilities, electricity or telecommunication services shall be provided in accordance with the relevant authority's requirements and applicable legislation at the time, at no cost to those authorities.
13. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and telecommunication networks to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
14. An Occupancy Permit under the *Building Act* must not be issued until all land affected by the development (including land affected by building overhangs) has been consolidated and a new title issued for the consolidated lot and/or necessary easements for the building overhangs have been provided.
15. Before the use commences the owner must, in accordance with section 70(3) of the *Planning Act*, provide 413 car parking bays. In accordance with section 70(5) of the *Planning Act*, 119 of the required parking bays may be provided through the payment of a monetary contribution to the City of Darwin. The contribution is to be calculated in accordance with the requirements of section 70(6) of the *Planning Act*.

16. Before the use commences the owner must, in accordance with Section 70(5) of the *Planning Act*, pay a monetary contribution to the City of Darwin for any on-street car parking bays on Bennett Street lost as a result of the development. The contribution is to be calculated in accordance with the requirements of Section 70(6) of the *Planning Act*.
17. Before the use commences the owner must, in accordance with Part 6 of the *Planning Act*, pay a monetary contribution to the City of Darwin for the upgrade of local stormwater infrastructure, in accordance with its Stormwater Contribution Plan.
18. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin and the Department of Health, to the satisfaction of the consent authority.
19. All works recommended by the Traffic Impact Assessment are to be completed to the requirements of the City of Darwin.
20. All proposed works impacting on Bennett Street and West Lane are to be designed, supervised and certified on completion by a practicing and registered civil engineer, and shall be in accordance with the standards and specifications of the City of Darwin. Drawings must be submitted to the City of Darwin for approval and no works are to commence prior to approval and the receipt of a "Permit to Work Within a Road Reserve".
21. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the consent authority.
22. All substation, fire booster and water meter arrangements are to be appropriately screened to soften the visual impact of such infrastructure on the streetscape, to ensure that the infrastructure is sympathetic to and blends in with the design of the building. Details will need to be resolved to the satisfaction of the consent authority in consultation with the Power and Water Corporation, and NT Fire and Emergency Services.
23. Before the 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) drained;
 - (c) line marked to indicate each car space and all access lanes; and
 - (d) clearly marked to show the direction of traffic along access lanes and driveways;to the satisfaction of the consent authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.
24. 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/ clients.

25. The loading and unloading of goods from vehicles must only be carried out on the land within the designated loading bays and must not disrupt the circulation and parking of vehicles on the land.
26. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the City of Darwin, to the satisfaction of the consent authority.
27. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/cycleways;
 - (c) collect stormwater and discharge it to the drainage network; and
 - (d) undertake reinstatement works;all to the technical requirements of and at no cost to the City of Darwin, to the satisfaction of the consent authority.
28. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the consent authority.
29. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
30. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into City of Darwin drains or to any watercourse.
31. The ground level lobby is to be accessible by the general public Monday to Friday between 7:30am and 5:30pm.

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. The Power and Water Corporation advises that Water and Sewerage System Extension Policy (WASSEP) and other charges apply to this development.
3. The Power and Water Corporation advises that the developer will need to make an application to discharge trade waste to Power and Water's sewerage system.
4. The development and use hereby permitted should be designed, constructed, registered and operated in accordance with the Building Code of Australia, the NT *Public Health Act and Regulations*, the NT *Food Act* and the National Food Safety Standards.

5. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to the City of Darwin.
6. Notwithstanding the approved plans, any proposed works (including landscaping and structures) within or over City of Darwin's road reserve and land is subject to City of Darwin approval and shall meet all of City of Darwin's requirements, to the satisfaction of the General Manager of Infrastructure, City of Darwin, and at no cost to City of Darwin.
7. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development is available from the Department of Land Resource Management.
8. The Environmental Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency'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.
9. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities.
10. Telstra advises that the developer is required to contact "Dial Before You Dig" prior to any development commencing to obtain a location of the Telstra Network and arrange for any relocation if required.
11. The Department of Defence has advised that separate approval is required should any permanent or temporary structures exceed 90 metres above ground level.
12. Darwin International Airport has advised that separate approval is required should any temporary structures infringe the OLS (147m AHD) and PANS-OPS surfaces (122m AHD).
13. The permit holder is advised that it is an offence to disturb or destroy prescribed archaeological places without consent under the *Heritage Act*. Should any heritage or archaeological material be discovered during the clearing operation, cease operation and please phone Heritage Conservation Services of the Department of Lands, Planning and the Environment.

REASONS FOR THE DECISION

1. The proposal is consistent with the primary purpose of Zone CB (Central Business), being 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.

2. A variation to the volumetric controls of Clause 6.3.2 (Volumetric Control in Central Darwin) of the Northern Territory Planning Scheme is acceptable as the development is generally consistent with the purpose of the clause. Whilst the proposed design might impact potential view corridors from certain points, it would also maximise view corridors from other points due to the elliptical shape of the tower and only partial coverage of the site. Development of this unusual L-shaped site in accordance with the volumetric controls of the clause would likely result in a more regular built form with a more even coverage of the site, which would not necessarily represent a better outcome in terms of maximising view corridors and breeze penetration, whereas the proposed elliptical shape of the tower is considered to respond positively to the purpose of the clause.

The site is bounded by roads and public thoroughfares on three sides, and the location of the tower within the site and the nature of surrounding development is such that the setback non-compliances would not compromise the privacy of residents of any future residential development on adjacent and nearby properties.

3. A variation to Clause 6.3.3 (Urban Design Requirements in Central Darwin) in regard to the lack of awnings along the extent of the former Commercial Bank colonnade is acceptable, as the addition of awnings to this structure would detract from its heritage character. The building's ground floor lobby would maintain a sheltered pedestrian link between the Smith Street Mall and Bennett Street during business hours.
4. Pursuant to Clause 6.5.2 (Reduction in Parking Requirements), a reduction of 20 of the car parking spaces required is acceptable due to the provision of bicycle parking. Considering the large scale of the office component and various Australian bicycle parking guidelines, the development generates a legitimate demand for the 80 bicycle spaces, for which (at a rate of 1 less car space per 4 bicycle bays provided), a reduction of 20 car parking spaces is considered justified. The provision of bicycle parking and associated end-of-trip facilities would reduce demand for car parking.
5. Pursuant to Clause 6.5.2 (Reduction in Parking Requirements), a reduction of 6 of the car parking spaces required is acceptable due to the provision of motorcycle parking. The development is considered to generate a legitimate demand for 20 motorcycle bays, for which (at a rate of 1 less car space for every 3 motorcycle bays provided), a reduction of 6 car parking spaces is considered justified. The provision of motorcycle parking in appropriately sized bays would reduce the use of full sized car parking spaces used for motorcycle parking.
6. Pursuant to Clause 6.5.2 (Reduction in Parking Requirements) and taking into account subclauses 51 (h), (n), (p) and (r) of the *Planning Act*, a

reduction of 56 of the car parking spaces required is acceptable, 56 being the additional number of car parking spaces that could have been provided if the car park podium extended to the eastern corner of the site. Whilst the original section of the colonnade is not listed on the NT Heritage Register, it is still considered appropriate that its retention be considered under this clause as grounds for a reduction in parking required, given its obvious heritage value.

Were the podium to extend to the eastern corner, it would likely overshadow the colonnade and result in an adverse impact on the Smith Street Mall/Bennett Street streetscapes and public realm, which would conflict with the reasoning behind the retention of the colonnade.

7. A variation to the on-site provision of car parking spaces required under Clause 6.5.1 (Parking Requirements) is acceptable as a payment in lieu to the City of Darwin for 119 spaces, which will ensure that car parking will be made available in the locality in the long term. The provision of parking for commercial uses in a publicly accessible and centralised pool promotes land use efficiency and improves the availability of parking to the full community.
8. A variation to Clause 6.6 (Loading Bays) is acceptable considering the scale of the ground floor shop tenancies proposed and the predominant office use of the building. The loading area proposed is considered capable of accommodating the size and number of loading vehicles expected for a development of this nature.
9. The provision of awnings along the West Lane frontage of the site is required as Clause 6.3.3 (Urban Design Requirements in Central Darwin) of the Northern Territory Planning Scheme requires buildings in central Darwin to provide awnings to streets for the full extent of the site frontage which allow for the planting and growth of mature trees within the road reserve.

Furthermore, Clause 8.2 (Commercial and other Developments in Zones...CB...) states that the design of buildings in Zone CB (Central Business) should “*provide protection for pedestrians from sun and rain*”.
10. Full compliance with Clause 6.5.3 (Parking Layout) of the NT Planning Scheme, or the submission of an assessment of the car park layout by a traffic engineer confirming compliance with the relevant Australian Standards, is required to ensure that the car parking areas are appropriately designed for their intended purpose.
11. Further details of the screening proposed to the podium car park levels is required to ensure that the podium would be sympathetic to the character and amenity of Smith Street Mall, Bennett Street and West Lane.
12. Amended plans demonstrating the inclusion of appropriate shower facilities are required as Clause 8.2 (Commercial and other

Developments in Zone...CB...) states that the design of buildings in Zone CB (Central Business) should “provide bicycle access, storage facilities and shower facilities”.

13. As the authority responsible for the management of the local road network, the City of Darwin has requested a Traffic Impact Assessment to assess the potential traffic impacts of the development.
14. Evidence of agreements with the City of Darwin and any other necessary party is required in regard to the proposed encroachment of the building and possible relocation of bins and parking in the rear service lane (Lots 5312, 5313 & 5314), as this is City of Darwin property.
15. Written acknowledgement is required from certain service authorities to confirm that site servicing requirements have been discussed with a view to maximising active frontages, thereby ensuring that site servicing has been fully provided for and the proposed amount of active frontage is maintained.
16. Stormwater and waste management plans are required as the City of Darwin has advised that it is the sole authority responsible under the *Local Government Act* and associated bylaws for stormwater drainage and waste management, and as such has requested details of the collection of stormwater run-off and waste storage and removal.
17. A Construction Management Plan (CMP) and comprehensive Traffic Management Plan are required to address concerns raised by the City of Darwin and the Department of Transport (Public Transport Division) regarding traffic and stormwater management and the ongoing provision of public transport services during the construction phase of the development.

ACTION: Notice of Consent and Development Permit

**ITEM 5
PA2008/0711**

**VARIATION - ADDITION OF 500 SOLAR PANELS TO THE ROOF OF THE
EXISTING SHOPPING CENTRE**

APPLICANT

**LOT 9773 (159) DICK WARD DRIVE, TOWN OF NIGHTCLIFF
PROPA PTY LTD**

DAS tabled an addendum – comments from the Department of Defence.

Mr Ben Haffenden (Propa Pty Ltd) attended.

**RESOLVED
66/13**

That, pursuant to section 57(3) of the *Planning Act*, the Development Consent Authority consent to the application to vary condition 1 of DP03/0048 and to include an additional condition (condition 12) for the purpose of solar panel additions to an existing shopping centre.

12. Any additions to the roof of the building are not to present a safety hazard to the operations of the Darwin International Airport and RAAF Base Darwin, to

the requirements of the Darwin International Airport, the Department of Defence and/or the Civil Aviation Safety Authority (as the case may be), to the satisfaction of the consent authority.

REASONS FOR THE DECISION

1. The development would remain consistent with the primary purpose of Zone C (Commercial), being to provide for a range of business and community uses.
2. The proposed solar panel additions would not result in the development being of a scale, bulk and character substantially different to what was originally approved and would not have an adverse impact on the amenity of adjacent or nearby developments.

ACTION: Variation to Development Permit

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



PETER MCQUEEN
Chairman

18/3/13