



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 215 – FRIDAY 19 JULY 2013

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

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

APOLOGIES: Garry Lambert

OFFICERS PRESENT: Margaret Macintyre (Secretary), Linda Henning, George Maly, Steven Conn and Michael O'Neill (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 9.30 am and closed at 10.30 am

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

ITEM 1 **2 X 4 BEDROOM MULTIPLE DWELLINGS IN A TWO STOREY BUILDING**
PA2013/0376 **LOT 10992 (1) BARRATT STREET, TOWN OF NIGHTCLIFF**
APPLICANT **SAVVAS P SAVVAS ARCHITECT**

Mr Savvas Savvas attended.

RESOLVED
165/13

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 10992 (1) Barratt Street, Town of Nightcliff for the purpose of 2 x 4 bedroom multiple dwellings in a two storey building, 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 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 City of Darwin's stormwater drain connection point/s.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings numbered 2013/0376/01 through to 2013/0376/10, 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, drainage, sewerage and electricity facilities and telecommunication networks 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 kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of 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. Storage for waste disposal bins is to be provided to the requirements of City of Darwin 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 of at ground level in a controlled manner to the satisfaction of the consent authority.
 12. 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.
 13. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
 14. 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. 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 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.

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. Notwithstanding the approved plans, any works and/or landscaping within City of Darwin's road reserve is subject to City of Darwin approval and shall meet all of City of Darwin's requirements, to the satisfaction of and at no cost to the City of Darwin.
5. The Power and Water Corporation advises that:
 - 24 hour access to the 1 x 1m electricity easement within the property is to be maintained;
 - It is a requirement that the water service to the units be multi-metered; and
 - Water and Sewerage Systems Extension Policy (WASSEP) charges apply for this development; the developer should contact Services Development for further information.
6. The developer will be required to contact "Dial Before You Dig" on 1100 to obtain the 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.

REASONS FOR THE DECISION

1. The proposed development is consistent with the purpose of Zone SD23 (Specific Use Darwin No. 23) of the Northern Territory Planning Scheme, being 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. The design principles of Zone SD23 (Specific Use Zone Darwin No. 23) and the maximum building envelopes approved for Muirhead lots are considered to represent special circumstances.

A variation to the setback requirements of Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme is acceptable in this instance as the proposed development's compliance with the maximum building envelope for the site is considered a better outcome and more likely to address the objectives of Clause 7.3 and Zone SD23 than if the development were designed to fully comply, but also take full advantage of, the minimum setback requirements of Clause 7.3.

The 1.5 metre minimum side setback to the northern side boundary would be unlikely to have an adverse impact on the future dwelling to the north in terms of building massing, given the proposed skillion roofs, regular placement of windows, a variety of building materials, screening vegetation and the use of blade walls, awnings and screens, all of which would serve to break up this façade and soften its appearance when viewed from the neighbouring property.

The 1.5 metre minimum setback would be unlikely to lead to instances of undue overlooking of the neighbouring property as the first floor habitable room windows would be screened.

The proposed siting of the building is considered to encourage breeze penetration through and between buildings as it maintains a 4.5 metre side-yard breezeway along the eastern side boundary where only a 1.5 metre setback is required, thereby promoting the design philosophy of Zone SD23.

Taking into account the location and minimalist design of the ground level Unit 2 patio structure, combined with the proposed 1.8 metre high solid screen fencing and screening vegetation along the northern side boundary, the 1.5 metre setback to this structure would be unlikely to have an impact on the adjoining property in terms of building massing, breeze penetration or overlooking.

3. City of Darwin advises that it is the sole authority responsible under the *Local Government Act* and associated by-laws for stormwater drainage, and as such it has requested details of the collection and discharge of stormwater run-off.

ACTION: Notice of Consent and Development Permit

ITEM 2
PA2013/0037
APPLICANT

FILLING OF LAND
LOT 7289 (50) COLIVAS ROAD, TOWN OF DARWIN
ONN NOMINEES

Mr Glen Ewers and Mr Ray Hall (EcOz Environmental Services) and Mr Michael Onn (Spot On Marine) attended.

RESOLVED
166/13

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 Lot 7289 (50) Colivas Road, Town of Darwin for the purpose of land reclamation (coastal land fill) to allow for an expansion of the existing dry dock storage on the site, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of any works an Environmental and Construction Management Plan (ECMP) for the construction and management of the existing coastal land fill and the operation of the use, must be submitted to and approved by the consent authority on the advice of City of Darwin and the NT Environment Protection Authority. When approved, the ECMP will form part of the permit. The use must at all times be conducted in accordance with the endorsed plan which may be suitably amended from time to time to reflect best practice environmental management. The ECMP must include:
 - a) overall environmental objectives for the operation of the use and techniques for their achievement;

- b) identification of possible risks relating to structural performance of the fill and the concrete wash down area in storm surge and flood events and the likely impacts of coastal hydrodynamics on the works and the adjoining land over time and to provide appropriate mitigation strategies and response measures to be implemented in accordance with relevant Australian Standards;
 - c) procedures to ensure that no significant adverse environmental impacts occur as a result of the use including an impact on the adjoining heritage listed Ludmilla saltpans;
 - d) proposed monitoring systems;
 - e) waste management systems;
 - f) traffic control;
 - g) use of Council owned land;
 - h) a schematic stormwater management plan;
 - i) location of erosion and sediment controls and techniques; and
 - j) day to day management requirements for the use.
2. Prior to the commencement of any further coastal land fill 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:
- cross sections of the proposed works area and immediate adjacent land on both sides showing estimated original site levels, current site levels and proposed finished site levels, all to Australian Height Datum (AHD);
 - engineering details which, at a minimum, demonstrates the structural integrity of the proposed works, so that there will be no adverse hydrological or contaminant/ waste impacts on the surrounding area, both during and after the proposed works. A hydrological assessment may be required in respect to potential upstream and downstream impacts of the filling; and
 - details of the areas already filled along the north-eastern most boundary of the land, including (but not necessarily limited to), cross sections and levels of the existing filled area and immediate adjacent land on both sides.

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 use must at all times be conducted in accordance with the Environmental and Construction Management Plan, endorsed as forming part of this permit, to the satisfaction of the consent authority.

6. Construction and delivery vehicles shall not be parked on Colivas Road, road reserve.
7. Appropriate protection shall be provided to contain potential spills of waste and prevent contaminants from entering adjacent properties, roadways, and the stormwater drainage system (and subsequently Ludmilla Creek).
8. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the City of Darwin and to the satisfaction of the consent authority.

REASONS FOR THE DECISION

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

1. The proposal is considered consistent with the purpose of Zone SD14 (Specific Use Darwin No. 14) where consent for the use of the additional land for dry dock boat storage is required.
2. The application is inconsistent with provisions of clause 6.14 (Land Subject to Flooding and Storm Surge) of the NT Planning Scheme which requires the application to demonstrate that the land is or can be appropriately filled so as to make it capable of accommodating the proposed use. The site lies within the zone of 1% AEP of inundation by storm surge defined for locality at 5.1m AHD and the land is not proposed to be filled to above the declared storm surge level.

The area of the coastal fill and land reclamation forms a relatively small part of the existing operation which is already subject to storm surge inundation and which is not subject to this application. On this basis the proposed land reclamation and expansion of the dry dock boat storage to that area may be considered appropriate if the applicant identifies risks associated with the reclamation works and suitable mitigation strategies capable of addressing those risks to a significant extent.

3. The application is inconsistent with clause 6.15 (Coastal Landfill) of the NT Planning Scheme as it lacks consideration of the key recommendations of "*Environmental Guidelines for Reclamation in Coastal Areas*" because it provides no detail of the impact of the completed works on adjoining land and waters and does not consider any such impact likely to occur.

The requirement for an Environmental and Construction Management Plan for the proposed works as recommended by the Guidelines will enable relevant agencies to consider the proposal in a more informed manner, address concerns of the objectors and allow the applicant to complete the works without significantly impacting on the surrounding area.

The Plan will incorporate a risk based approach to the proposed works and include appropriate management actions capable of resolving any issues

identified particularly in relation to sediment and erosion control and other issues relating to the effects of coastal hydrodynamics.

Consideration of these issues in preparation of the Plan will have long term environmental and economic benefits.

ACTION: Notice of Consent and Development Permit

**ITEM 3
PA2013/0461**

12 X 1 BEDROOM, 52 X 2 BEDROOM AND 12 X 3 BEDROOM MULTIPLE DWELLINGS AND OFFICES IN A 12 STOREY BUILDING PLUS THREE LEVELS OF BASEMENT CARPARKING

APPLICANT

**LOT 1740 (6) FINNISS STREET, TOWN OF DARWIN
DKJ PROJECTS ARCHITECTURE PTY LTD**

Mr Adam Walker (DKJ Projects Architecture Pty Ltd) attended.

Submitter: Mr Gordon Main attended on behalf of Mr David Shrimpton (Submitter).

**RESOLVED
167/13**

That, the Development Consent Authority vary the requirements of subclause 4(a) of clause 6.3.3 (Urban Design Requirements in Central Darwin), and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 1740 (6) Finnis Street, Town of Darwin, for the purpose of 12 x 1 bedroom, 52 x 2 bedroom and 12 x 3 bedroom multiple dwellings and ground level shops/ offices/ restaurants in a 12 storey building plus 3 levels of basement carparking, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to endorsement of plans the applicant is to submit amended plans, generally in accordance with those submitted with the application, but modified to show:
 - (a) Screening to the balconies and windows of each of the western facing units (i.e. one unit on each residential level), to the satisfaction of the consent authority.
 - (b) An amended ground floor layout, such that a relatively convenient access is made available for pedestrians, between the loading area and the lobby/ foyer space, to the satisfaction of the consent authority.
2. Prior to endorsement of the plans and prior to commencement of works (including site preparation), confirmation from the Power and Water Corporation that an appropriate electricity substation has been provided for the development is to be obtained and submitted to the consent authority. Any amendments to the plans submitted with the application must not result in undue aesthetic impacts or greater non-compliances with the NT Planning Scheme and are to be to the satisfaction of the consent authority.
3. Prior to the endorsement of plans and 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 City of Darwin, to the satisfaction of the consent authority.

4. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a traffic impact assessment report prepared in accordance with the Austroads document 'Guide to Traffic Management Part 12: Traffic Impacts of Developments'. The report must outline changes that will be required to the surrounding road network and address vehicular, pedestrian, cyclist and public transport issues and opportunities, and is to include swept paths for waste collection vehicles and removalists vans entering and exiting the site, giving consideration to on-street parking on Mirambeena Street. The report is to be to the approval of the City of Darwin, to the satisfaction of the consent authority.
5. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a 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 is to include details of the haulage of excavated and new materials, traffic management for construction vehicles, fencing and hours of construction.

GENERAL CONDITIONS

6. Works carried out under this permit shall be in accordance the plans endorsed as forming part of this permit.
7. 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.
8. 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 each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
9. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin to the satisfaction of the consent authority.
10. 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.
11. 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.
- 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 the City of Darwin, to the satisfaction of the consent authority.
- 13. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the City of Darwin, to the satisfaction of the consent authority.
- 14. The loading and unloading of goods from vehicles must only be carried out on the land and must not disrupt the circulation and parking of vehicles on the land.
- 15. 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.
- 16. 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.
- 17. 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.
- 18. 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.
- 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. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

NOTES:

1. The Power and Water Corporation advises that:
 - The current local infrastructure cannot sustain the necessary fire fighting flows for the development and as a result the developer will be required to contribute towards the upgrade of the local water reticulation infrastructure. The applicant/ developer should contact Power and Water Corporation's Services Development Technical officers prior to the commencement of works to discuss water supply and contribution requirements.
 - 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.
2. The NT Environment Protection Agency advises that the proposed development is within close proximity of a service station, and that it may need to be assessed in accordance with the National Environment Protection (Assessment of Site Contamination) Measure 1999 to ensure that the site is suitable for its proposed use.
3. The NT Environment Protection Agency advises that construction work should 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.
4. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to the City of Darwin.
5. Notwithstanding the approved plans, any proposed works (including landscaping and structures) within Council's road reserve and Council land is subject to Council's approval and shall meet all Council's requirements, to the satisfaction of the General Manager of Infrastructure, City of Darwin and at no cost to Council.
6. 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.

7. Approval must be submitted to the Department of Defence for any cranes used during construction that exceed a height of 45m above ground level (including temporary structures such as cranes or superstructure such as lightning rods and antennae).
8. The owner shall provide RAAF Aeronautical Information Service (AIS) with 'as constructed' details. RAAF AIS has a web site with a Vertical Obstruction Report Form www.raafais.gov.au/obstr_form.htm which can be used to enter the location and height details of tall structures.

REASONS FOR THE DECISION

1. The development, proposing multiple dwellings and a commercial tenancy, 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". The development presents well to the street and is largely compliant against the relevant clauses of the NT Planning Scheme. The proposal is seen to be a positive introduction to this part of the Darwin central business district.
2. A variation to the requirements of subclause 4(a) of clause 6.3.3 (Urban Design Requirements in Central Darwin) of the Northern Territory Planning Scheme is supported as the development shows clear consideration of the intention of this clause. Weather cover is provided to the vast majority of the building's frontage to Finniss Street, with this continuing along the side of the building, to the lobby/ foyer, and for a portion of the communal open space area, which fronts Mirambeena Street. Covered pedestrian access is provided to the front of the commercial tenancies, along the section of the site that will see the greatest level of activity and interaction with the street. It is also recognised here that the development presents in excess of 75% of its street frontages with active treatments, and is seen to be in line with the purpose of clause 6.3.3, to "promote exemplary urban design in Central Darwin".
3. Confirmation from the Power and Water Corporation that a suitable electricity substation has been provided as part of the development is necessary to ensure that the development can proceed and that its electricity requirements can be ably met. It is also necessary that the inclusion of an appropriate substation does not detract from the development's current appearance from the street or level of active interface, which are primary considerations of clause 6.3.3 (Urban Design Requirements in Central Darwin).
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 the local underground stormwater system, to the appropriate standards, and to ensure that no stormwater will sheet-flow into the road reserve or onto adjoining properties.

5. A traffic impact assessment report, in accordance with the Austroads document 'Guide to Traffic Management Part 12: Traffic Impacts of Developments', is required in order to demonstrate that the development can be supported without undue impact on the site and locality. The City of Darwin specifically requests that a traffic impact assessment report be undertaken that relates purely to the proposed development.
6. In accordance with the requirements of section 51(m) of the *Planning Act*, consideration has been given to all comments received from service authorities, with all relevant matters addressed through conditions or notes on the development permit, thereby ensuring that an appropriate level of service is maintained for the site and surrounding locality, and that the impact of the development does not unduly spread to the surrounding area.

ACTION: Notice of Determination

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



PETER MCQUEEN
Chairman

22/7/13

