



**DEVELOPMENT CONSENT AUTHORITY**

**DARWIN DIVISION**

**MINUTES**

**MEETING No. 209 – FRIDAY 19 APRIL 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:** Sarah Mattson (Secretary), Peter Sdraulig, Steven Conn, Michael O'Neill (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Nil

**Meeting opened at 9.30 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**                      **TEMPORARY DISPLAY BRIDGE**  
**PA2013/0134**              **SECTION 4262 (74) AMY JOHNSON AVENUE, HUNDRED OF BAGOT**  
**APPLICANT**              **MASTERPLAN NT**

Mr Brad Cunnington and Ms Shawna Wild (Masterplan NT), Mr Simon Mancini and Mr Dick Goit (Sitzler) attended.

**RESOLVED**  
**89/13**

That, the Development Consent Authority determine that no car parking be required pursuant to clause 6.5.1 (Parking Requirements) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application to develop Section 4262 (74) Amy Johnson Avenue, Hundred of Bagot, for the purpose of a temporary display bridge, subject to the following conditions:

#### **CONDITION PRECEDENT**

1. Prior to the commencement of works (including site preparation) a full set of amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show a barrier along the service corridor, following the same alignment as the 1800mm chain wire mesh fence, for the full Stuart Highway width of the site.

#### **GENERAL CONDITIONS**

2. Works carried out under this permit shall be in accordance with the plans endorsed as forming part of this permit.
3. The barrier required by condition 1 of this permit must be erected prior to commencement of any other works to prevent any vehicles traversing within the Power and Water Corporation service corridor.
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. External materials/ finishes must be non-reflective, and any lighting must be designed, baffled and located to the satisfaction of the consent authority to prevent any adverse effect on adjoining land, roads, and on the operation of the RAAF Base Darwin and Darwin International Airport.
6. Access to and egress from the site for all vehicles must only be from/to Amy Johnson Avenue via the temporary accessway as approved by the Department of Transport.

7. The finish of any Prime Identification sign(s), if erected, shall be such that, if illuminated, day and night readability is the same and is of a constant display (ie. not flashing or variable message). The sign(s) shall be positioned:
  - (a) so as not to create sun or headlight reflection to motorists; and
  - (b) be located entirely (including foundations and aerially) within the subject lot.
8. All proposed works impacting on Amy Johnson Avenue 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 Department of Transport. Drawings must be submitted to the Senior Director, Road Network Division of the Department of Transport for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".
9. Soil erosion and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
10. The development and use of the land for the purpose of a temporary display bridge must cease within 1 year of the date of this development permit, at which time all works associated with the development must be removed.

#### 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 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:
  - i. It has essential infrastructure located within a service corridor within Section 4262. Heavy machinery shall not traverse over or along the service corridor as a part of the construction, use and demolition of the display bridge.
  - ii. The developer has stated in the application water and sewerage services are not required for the development.
3. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to Council.
4. The site is subject to "The Defence Areas Control Regulations" (DACR). Any structures (including temporary structures and equipment) higher than 7.5m above ground level require approval by the Department of Defence.
5. The Department of Transport advises that the Developer, his Contractor or Service Provider is required to obtain a "Permit to Work within a Road Reserve" from the Department of Infrastructure prior to the commencement of any work within or impacting upon the Amy Johnson and/ or Stuart Highway road

reserves. On application for a "Permit to Work within a Road Reserve", the Developer will have to provide an appropriate "Work Zone Traffic Management Plan – AS1742.3", prepared by a competent and accredited agent, and endorsed as in accordance with "AS1742.3". Separate "Permits to Work within a Road Reserve" will be required for the construction of the bridge, for access to the site on the proposed open day, and for the dismantling of the display bridge.

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

1. The proposed development is consistent with the purpose of Zone M (Main Road) which is to ensure that ensure the use or development of land in Zone M or Zone PM does not prejudice traffic safety or the amenity of the main road or the future development of a proposed main road, as applicable'.
2. The non requirement of any car parking pursuant to Part 3 of Clause 6.5.1 (Parking Requirements) of the NT Planning Scheme is based on:
  - the expected low intensity of the development use with only construction personnel and visitors associated with an open day generating any car parking;
  - there being ample space within the development area to informally accommodate vehicles;
  - the short term nature of the development and use, with the non provision of (formal) car parking reducing the area of land to be disturbed.
3. The requirement for conditions 1 & 3 requiring a suitable barrier along the Power and Water Corporation's service corridor will prevent vehicles from traversing within the corridor, which contains essential infrastructure.

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

**ITEM 2**  
**PA2013/0146**  
**APPLICANT**

**3 STOREY SINGLE DWELLING EXCEEDING 8.5M IN HEIGHT**  
**LOT 7732 (16) DUKE STREET, TOWN OF DARWIN**  
**GEORGE MOUZOURAKIS & DIMITRA MOUZOURAKIS**

Mr Dimitra Mouzourakis attended.

**RESOLVED**  
**90/13**

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 7732 (16) Duke Street, Town of Darwin, for the purpose of a 3 storey single dwelling, subject to the following conditions:

#### **CONDITION 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. Deletion of the balcony that encroaches into the required setback to the eastern boundary.
2. 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. The plan shall include details of site levels and Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system.
3. Prior to the commencement of works an Erosion and Sediment Control Plan (ESCP), including details and location of stormwater drains, is to be submitted to and approved by the consent authority on the advice of the City of Darwin, and an endorsed copy of the Plan will form part of this permit. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the satisfaction of the consent authority.

## GENERAL CONDITIONS

4. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
5. 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.
6. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
7. 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.
8. 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.
9. 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.
10. 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.
11. Pursuant to Part 6 of the Planning Act, 'Developer Contributions', a monetary contribution shall be paid to City of Darwin in accordance with Council's 'Developer Contribution Plans for Stormwater Drainage Works'.

## 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. 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.

## REASONS FOR THE DECISION

1. Lot 7732 is within Zone SD20 (Specific Use Darwin 20) of the NT Planning Scheme. The purpose of this clause is to facilitate the subdivision, use and development of land as a residential estate. The proposal is for a 3 storey single dwelling which is considered to be consistent with this zone purpose.
2. A variation to the two storey height limit of Clause 7.1.2 (Residential Height Limitations) and SD20 of the Scheme is acceptable as the proposal is considered to be consistent with the objective of the clause by proposing a development that is of a compatible height and scale as adjacent properties to either side.

The added non-compliance with the 7m limit imposed by the Scheme on the height of a room or part of the room is also acceptable as the design appears to have taken the potential for undue overlooking from the site into account by limiting windows to habitable rooms in locations where overlooking would be possible, by providing alternative living areas and balcony locations so as not just one area is relied upon solely by residents and by providing a side setback to the western property boundary in excess of the requirement. These aspects are expected to ensure that any potential for undue overlooking to neighbouring properties is minimised.

3. The required amended plans will result in a setback to the eastern property boundary that is consistent with the building envelope plan for the estate and will further minimise the potential for overlooking of adjacent properties.
4. The City of Darwin, as sole authority responsible for stormwater drainage under the *Local Government Act* and associated bylaws, has requested the inclusion of a condition requiring submission of a schematic stormwater plan for the development. As per Council's request, a condition precedent requiring submission of this plan has been included.

**ACTION:** Notice of Determination

**ITEM 3**  
**PA2013/0099**

**CHANGES TO THE DEVELOPMENT APPROVED BY DP10/0289 FOR  
CONVERTING COMMUNAL OPEN SPACE TO OFFICE AND REASSESSMENT OF  
CAR PARKING  
LOT 2444 (108) MITCHELL STREET, TOWN OF DARWIN  
PA GROUP PTY LTD**

**APPLICANT**

Mr Michael Milatos, Mr Savvas Savvas and Mr Jeff Norton (submitter) attended.

**RESOLVED**  
**90/13**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the proposal to develop Lot 2444 (108) Mitchell Street, Town of Darwin, for the purpose of changes to the development approved by DP10/0289 for converting communal open space to office and reassessment of carparking, to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

1. Additional information and/ or amended plans in response to the requirements of clause 6.3.3 (Urban Design Requirements in Central Darwin) of the NT Planning Scheme specifically addressing, but not necessarily limited to:
  - (a) part 3, which aims to provide 75% of the length of the site boundary at ground level as active street frontage, restrict services at ground level through, amongst other things, limiting services at street level, noting that compliance was achieved through Development Permit DP10/0289. The response may include written correspondence from service authorities to the effect that the provision of services has been discussed with a view to minimising their impact on active street frontages; and
  - (b) part 4(a), which requires awnings to the street for the full extent of the site frontage. In the absence of any awning adjacent to the sewerage easement at the Mitchell Street/ Daly Street corner, written confirmation from Power and Water Corporation confirming that an awning in this location would not be acceptable under any circumstance is required.
2. Special circumstances being identified for the varying of clause 7.6 (Communal Open Space); or any amendments to the proposal that enable compliance against clause 7.6 (Communal Open Space).

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

1. The proposal is considered inadequate in demonstrating achievement of part 3 and part 4(a) of clause 6.3.3 (Urban Design Requirements in Central Darwin) of the NT Planning Scheme.
2. The identification of special circumstances, justifying the non-compliance against clause 7.6 (Communal Open Space) as present in the submitted design, is required by clause 2.5 (Exercise of Discretion by the Consent Authority) of the Planning Scheme. Reference should be given to the design considerations of subclause 3 and the purpose of clause 7.6, being "to ensure that suitable areas for communal open space are provided for hostels, multiple dwellings and supporting accommodation". Alternatively, it is considered that an amendment to the design of the ground floor could be undertaken that would result in a compliant level of communal open space for the development, especially in the context of the existing permit over Lot 2444, Town of Darwin, which presented a considerably larger common recreational space, as given by DP10/0289. If this was to occur then special circumstances would not be necessary for the granting of consent.

**ACTION:**

Advice to Applicant



ITEM 4  
PA2013/0126  
APPLICANT

**SUBDIVISION AND CONSOLIDATION TO CREATE 2 LOTS  
SECTIONS 5197 & 5198 (17) & (25) HIDDEN VALLEY ROAD, HUNDRED OF  
BAGOT  
EARL JAMES AND ASSOCIATES**

Mr Kevin Dodd and Mr Nick Mellios attended.

**RESOLVED  
91/13**

That, pursuant to Section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop sections 5197 & 5198 (15 & 17) Hidden Valley Road, Hundred of Bagot for the purpose of subdivision and consolidation to create two lots, subject to the following conditions:

**CONDITIONS**

1. The works carried out under this permit shall be in accordance with the drawing numbered 2013/0126/01, endorsed as forming part of this permit.
2. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for approval by the Surveyor General.
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 each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. Prior to the issue of Part V clearance, the developer is to provide the Department of Lands, Planning and the Environment with a statement from a registered building certifier verifying that the existing buildings on site will unconditionally continue to comply with the *Building Act* following the proposed subdivision and consolidation, to the satisfaction of the consent authority.
5. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
6. 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. 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. 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. 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.
5. 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.

### REASON FOR THE DECISION

- The purpose of the subdivision and consolidation is to facilitate a transfer in the ownership of the existing 20 room hostel and associated car park in the southwest corner of Section 5197, which the Development Consent Authority consented to in 1999 through Development Permit DP99/0030. While the ownership of the building and car park would change, the land use would remain the same. The ongoing use of the land for this approved purpose would not compromise the ability for the remainder of Sections 5197 and 5198 to be further developed and used in accordance with its CP (Community Purposes) and TC (Tourist Commercial) zoning.

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

**ITEM 5** 16 X 1 AND 60 X 2 BEDROOM MULTIPLE DWELLINGS AND A SHOP/ OFFICE IN  
**PA2013/0128** A 13 STOREY BUILDING PLUS 2 LEVELS OF BASEMENT CAR PARKING  
**APPLICANT** LOT 2279 (20) HARVEY STREET, TOWN OF DARWIN  
 JACKMAN GOODEN ARCHITECTS (NT) PTY LTD

Mr Colin Browne attended.

**RESOLVED** That, the Development Consent Authority vary the requirements of Clause 6.3.2  
**92/13** (Volumetric Control in Central Darwin), Clause 6.3.3 (Urban Design Requirements in Central Darwin) and Clause 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 2279 (20) Harvey Street, Town of Darwin for the purpose of 16 x 1 and 60 x 2 bedroom multiple dwellings and a shop/office in a 13 storey building plus 2 levels of basement car parking, subject to the following conditions:

## CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of building works, the applicant is to submit a statement to the Department of Lands, Planning and the Environment from a qualified person, under section 68 of the *Waste Management and Pollution Control Act*, certifying that the site is suitable for its intended use and any contaminated soil has been appropriately remediated or disposed of, to the satisfaction of the consent authority.
2. Prior to the endorsement of plans and prior to the commencement of building works, 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 include swept paths for the largest vehicle entering, manoeuvring through and exiting the site; and an analysis of the road safety and operational capacity of the Day Street/McMinn Street intersection, and consider other proposed developments nearby. The report is to be to the requirements of the City of Darwin and the Department of Transport (Road Network Division), to the satisfaction of the consent authority.
3. Prior to the endorsement of plans and prior to the commencement of building 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.
4. Prior to the endorsement of plans and prior to the commencement of building works, 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.
5. Prior to the endorsement of plans and prior to commencement of building works, the applicant is to prepare a Construction Environmental Management Plan (CEMP), to the requirements of the City of Darwin. The CEMP is to address how construction will be managed on the site, including (but not necessarily limited to): waste management; traffic management; haulage routes; storm water drainage; use of City of Darwin land; and how the land will be managed during the construction stage, to the satisfaction of the consent authority.

## GENERAL CONDITIONS

6. The works carried out under this permit shall be in accordance with the drawings 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 the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
9. 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.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. Any security boom, barrier or similar device controlling vehicular access to the premises must be located a minimum of six metres inside the property to allow vehicles to stand clear of the Harvey Street pavement and footpath.
16. 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.

17. 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.
18. 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.
19. 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.
20. 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.
21. 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.
22. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building.
23. 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.
24. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
25. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into City of Darwin drains or to any watercourse.
26. Any works impacting on Harvey Street and McMinn Street 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 and/or the Department of Transport (Road Network Division), as the case may be. 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".
27. 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.
28. An Occupancy Permit under the *Building Act* must not be issued until the site has been subdivided in accordance with DP12/0365 and a new title has been issued for the subject lot.

## 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.
  - The developer will need to make an application to discharge trade waste to Power and Water's sewerage system.
  - 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.
  - The developer is responsible for safety clearance compliance between existing overhead power lines in the area and any new building or extension during construction and at its completed stage, in accordance with the NT Electricity Reform (Safety and Technical) Regulations 2000.
  - The indoor substation is to comply with PWC's guidelines for large customers with indoors substations.
3. The Northern Territory Environment Protection Agency advises that the transportation of any contaminated soils from the site must be conducted in compliance with the *Waste Management and Pollution Control Act*.
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 Lands, Planning and the Environment advises that there are historically significant remnants of the North Australian Railway on adjacent Lot 5940. The developer should be aware of the significance of these features and appropriate measures should be taken to avoid any encroachment upon these features.

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

1. The proposal is consistent with the primary purpose of Zone CB (Central Business) of the Northern Territory Planning Scheme, 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. In regard to the setback and dimension requirements of Clause 6.3.2 (Volumetric Control in Central Darwin) of the Northern Territory Planning Scheme, the slightly irregular and relatively narrow shape of the site is such that, when considering the 6 metre setback requirements applicable to the Tier 2 (Tower) element, the shape of the Tower element is constrained to a long and slender building. The truncated northern rear corner of the lot presents a situation in which the dimensions of the Tower element comply in relation to the southeast side boundary but not the northwest side boundary.

Full compliance with the setback and dimension requirements of Clause 6.3.2 would likely result in a building envelope of an illogical building design, a reduction in the dwelling and building size to a point where it would have an adverse impact upon the amenity of future residents, or a reduction in the number of dwellings that can be accommodated within the site. A reduction in the number of dwellings would be inconsistent with the CB (Central Business) zoning of the land, which is expected to provide for and promote high density residential development.

A variation to the 6 metre setback requirement applicable to the Tier 2 (Tower) element of the building is acceptable for the following reasons:

- The 0.4 metre encroachment of Apartment Levels 6 to 9 into the 6 metre front setback is negligible considering the scale of the development, and the reduced front setback would not compromise views to Darwin Harbour, breeze or daylight penetration between buildings or lead to facilitate overlooking of adjoining properties.
- The encroachment into the 6 metre rear setback is limited to the northern corner balconies of Apartment Levels 6 to 9. Considering the location of the subject balconies within the site, the location of Lot 2279 in relation to Darwin Harbour, the open sided design of the northern corner balconies and the abutting public corridor to the rear, the reduced rear setback would not compromise potential views to Darwin Harbour, the penetration of daylight and breeze circulation between buildings or lead to undue overlooking of adjoining properties.
- The encroachment into the 6 metre side setbacks is limited to the balconies of the central dwellings at Apartment Levels 6 to 9. The central location of these balconies and the full height screening proposed to the side boundaries would ensure that the reduced setbacks would not compromise the penetration of daylight and breeze circulation between buildings or lead to undue overlooking to and from adjoining properties.

A variation to the dimension requirements applicable to the Tier 2 (Tower) element of the building is acceptable considering the following aspects of the proposed development, the site and the surrounding area:

- the site's location in relation to Darwin Harbour;
- the topography of the area;
- the built form of nearby existing development;
- the future development opportunities of adjacent and nearby land;
- the open sided design of the northern corner balconies;
- the path of prevailing breezes; and
- the abutting PS (Public Open Space) zoned corridor to the rear.

The length of the Tier 2 (Tower) element in relation to the northwest side boundary is not likely to compromise views to Darwin Harbour, the penetration of daylight and breeze circulation between buildings or lead to undue overlooking of adjoining properties. As such, the Tower element of the proposed development is consistent with the purpose of Clause 6.3.2.

3. A variation to the requirement under Clause 6.3.3 (Urban Design Requirements in Central Darwin) for an awning along the entire Harvey Street frontage is acceptable given the context of the site. Considering the nature of existing development on adjacent lots and that Lot 2279 is located at the periphery of Darwin's CBD, it is unlikely that an awning across the entire frontage would form part of a continuous sheltered pedestrian path along the northeast side of Harvey Street.
4. A variation to Clause 6.3.3 (Urban Design Requirements in Central Darwin) in regard to car parking at ground level is acceptable as the car park would be to the rear of the site and would form part of the podium structure. The car



parking would not be visible from the street and is therefore consistent with the purpose of this clause.

5. A variation to the dimension requirements of Clause 7.5 (Private Open Space) is acceptable given that the private open space areas are consistent with the purpose of this clause. The balcony areas of the subject dwellings satisfy the minimum 12m<sup>2</sup> area requirement, are appropriately located and are of dimensions adequate to provide for domestic purposes. The proposed bi-fold doors to the balconies would result in a largely seamless connection between the balconies and their abutting living rooms, thereby enabling a greater extension of the function of the dwelling.
6. A statement from a suitably qualified person certifying that the land is capable of supporting the intended residential/commercial use is required pursuant to subsection 51(j) of the *Planning Act*.
7. As the authorities responsible for the management of the local road network, the City of Darwin and the Department of Transport (Road Network Division) have requested a Traffic Impact Assessment to assess the potential traffic impacts of the development.
8. 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.
9. A Construction Environmental Management Plan (CEMP) is required as the City of Darwin has requested details regarding traffic and stormwater management and use of Council land during the construction phase of the development.

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

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



**PETER MCQUEEN**  
Chairman

22 /4/13