



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 161 – FRIDAY 4 FEBRUARY 2011

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

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

APOLOGIES: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), Doug Lesh and for part of the meeting Steven Conn, Israel Kgosiemang, Debora Buise, Hanna Stevenson and Peter Lindwall (Development Assessment Services)

COUNCIL REPRESENTATIVE: Cindy Robson (session 1, 2 & 5 only), Drosso Alekios (session 5 only)

Meeting opened at 9.00 am and closed at 3.45 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 **MEDICAL CONSULTING ROOM (DENTIST) IN AN EXISTING SINGLE DWELLING**
PA2010/1357 **LOT 9435 (12) ORCHARD ROAD, TOWN OF NIGHTCLIFF**
APPLICANT **MASTERPLAN NT**

DAS tabled an addendum showing photographic evidence that shows tow vehicles passing one another on the driveway to the subject site.

Mr Brad Cunnington (Masterplan) and Mr Anand and Mrs Yasu Patel (owners) attended.

RESOLVED
14/11

That the Development Consent Authority vary the requirements of Clause 6.5.3 (Parking Layout) and Clause 7.10.9 (Medical Consulting Rooms) of the Northern Territory Planning Scheme, and pursuant to Section 53(a) of the *Planning Act*, consent to the application to develop Lot 9435 (12) Orchard Road, Town of Nightcliff for the purpose of a medical consulting room (dentist) in an existing single dwelling subject to the following conditions:

GENERAL CONDITIONS

1. Works carried out under this permit shall be in accordance with the drawing numbered 2010/1357/1, endorsed as forming part of this permit.
2. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities (including trade waste) and electricity, gas and telecommunication services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
3. The use may operate only between the hours of 8:00am and 8.00pm.
4. No more than two staff (that do not reside in the on-site dwelling) can be employed in conjunction with the medical consulting room use at any one time without the further consent of the consent authority.
5. The car parking shown on the endorsed plan must be available at all times for the exclusive use of the occupants of the development and their visitors/clients.

NOTES:

1. Notwithstanding the approved plans, all signage is subject to Darwin City Council 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. The development supports the purpose of Clause 7.10.9 (Medical Consulting Rooms) which is 'to ensure that medical consulting rooms are established and operated in a manner that does not detract from the amenity of the locality'.
2. A variation to the requirements of Clause 7.10.9 (Medical Consulting Rooms) is supported as the use is housed in an existing building with adequate car parking provided. Furthermore the quite nature of dental clinics is not thought to adversely impact on the residential amenity of the adjoining and nearby property.
3. A variation to the requirements of Clause 6.5.3 (Parking Layout) is supported as the proposed conditions will not impede the safe and functional use of the car parking area and access.
4. In order to ensure the residential amenity of the area is retained the use of the medical consulting room may only occur between 8:00am and 8.00pm.

ACTION: Notice of Determination

ITEM 2 **6 X 4 AND 2 X 2 BEDROOM MULTIPLE DWELLINGS**
PA2010/1383 **IN 5 SINGLE STOREY BUILDINGS**
APPLICANT **LOT 10056 (30) MATLA CRESCENT, TOWN OF NIGHTCLIFF**
ARCHTECH DESIGNS

Mr Ross Kourounis (Archtech Designs) attended and tabled a stormwater management plan.

RESOLVED
15/11

That the Development Consent Authority vary the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) and pursuant to Section 53(a) of the *Planning Act*, consent to the application to develop Lot 10056 (30) Matla Crescent, Town of Nightcliff for the purpose of 6 x 4 bedroom and 2 x 2 bedroom multiple dwellings in 5 x 1 storey buildings, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the commencement of works (including site preparation) a full set of amended plans 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. Three (3) copies of plans drawn to scale with dimensions must be provided. The plans must be generally in accordance with the plans submitted

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with the application but modified to include a schematic plan demonstrating that all stormwater is to be collected on the site and discharged underground to Council's stormwater drainage system, to the requirements of Darwin City Council, to the satisfaction of the consent authority.

GENERAL CONDITIONS

2. Works carried out under this permit shall be in accordance the plans 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 facilities and electricity and telecommunications services to the land shown on the endorsed plan in accordance with the authorities' requirements.
5. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of, and be at no cost to Darwin City Council, 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, Darwin City Council, and to the satisfaction of the consent authority.
7. 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.
8. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
9. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.

10. Before the use/ occupation of the development commences, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
 11. All air-conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed to ground level in a controlled manner to the satisfaction of the consent authority.
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12. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council, to the satisfaction of the consent authority.

NOTES:

1. The Power and Water Corporation advise that the water service to each of the detached units is to be multi-metered; this may also be suitable for some of the semi-detached dwellings, please contact Power and Water Corporation for further details.
2. The Power and Water Corporation advise that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and the Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of one month prior to construction works commencing to determine servicing requirements and the need for upgrading of infrastructure.
3. The Power and Water Corporation advise that the existing electricity easement at the southwestern end of Lot 10056 is to have 24 hour access maintained, with no inappropriate fencing or blocking of the pillar.
4. The developer is to contact Telstra via the following website prior to any work commencing to facilitate the installation of the Telstra network: <http://www.telstrasmartcommunity.com/>.

REASONS FOR THE DECISION

1. The proposal does not contradict the purpose of Zone SD17(Specific Use Darwin 17), being to “facilitate the subdivision, use and development of the land as a residential estate”.
2. The proposed development is consistent with the primary purpose of Zone MD (Multiple Dwelling Residential), which is to “provide for a range of housing options to a maximum height of two storeys”, which is applicable as the site is intended to be developed for purposes as per the MD zone.
3. A variation to Clause 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme for the front setback encroachment is supported as the non-compliance is minor and does not impact on the development’s ability to achieve the purpose of the clause.

- The proposed setbacks are in line with many of the setbacks in the surrounding area and in fact exceed the majority of those on nearby SD land;
- As the development is entirely single storey and is broken up into 5 separate buildings it cannot be said to result in any undue building massing;
- The reduced front setback will not result in any overlooking as all the buildings are single storey, separated by a 15m wide roadway, and opposite a large reserve in Zone PS (Public Open Space); and
- A reduced front setback will not impact on the ability for breezes to penetrate through and between buildings. The development complies with the required separation distances and largely exceeds the minimum side and rear setbacks imposed through this clause.

ACTION: Notice of Consent and Development Permit

ITEM 3
PA2010/1404
APPLICANT

EXTENSION TO AN EXISTING BED AND BREAKFAST TO CONSTRUCT TWO ADDITIONAL GUEST ROOMS TO CATER FOR A MAXIMUM OF 16 GUESTS LOT 2601 (2) TODD CRESCENT, TOWN OF SANDERSON MASTERPLAN NT

Mr Brad Cunnington (Masterplan), Mr Alan and Mrs Heather Beal (owners) attended and tabled a management plan, a plan showing carparking on site, an aerial photograph of the site and a plan showing relocation of carport post to the boundary fence pylon.

Submitter Ms Gayle Caire and her daughter Ms Sharon Gardiner attended.

RESOLVED
16/11

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 2601 (2) Todd Crescent, Town of Sanderson for the purpose of extension to an existing bed and breakfast to construct two additional guest rooms to cater for a maximum of 16 guests, to require the applicant to provide the following additional information that the Authority considers necessary in order to enable proper consideration of the application:

1. An assessment to be prepared by Development Assessment Services with regard to whether the following management and operational matters have been adequately addressed by the management plan tabled at the meeting, and identifying if there are any additional matters that still require clarification:
 - (a) procedures to ensure that no significant adverse impacts occur as a result of the use;
 - (b) day to day management requirements for the use;
 - (c) details of configuration of the guest rooms (i.e. number and size of beds) and ways to limit the guest numbers to 14 people in the event that the total of guest beds across the four rooms is greater than 14;

2. Further plans will ensure the authority is accurately informed of the proposed conditions of the use.
3. An assessment of the use against the following land use definitions listed in the NT Planning Scheme is considered necessary as it appears there are elements of the following land uses which need to be addressed:
 - Bed and Breakfast Accommodation;
 - Home Based Contracting;
 - Home Occupation;
 - Hostel;
 - Motel;
 - Shop;
 - Motor Repair Station; and
 - Vehicle Sales and Hire.

The above information is necessary, as if it is in fact an undefined use, not meeting any of the above definitions within clause 3.0 (Definitions) of the NT Planning Scheme, an amended application with appropriate public notification of the actual proposed use (which clearly indicates what the use is, and what the intensity of each particular component of the use is) may be necessary.

4. An explanation as to the consistency of the proposed use/development with the purpose of Zone SD (Single Dwelling Residential), is necessary in order to determine whether the commercial operation of the proposed use/ development is of a scale and intensity that is more appropriate in a commercial zone.

ACTION: Advice to Applicant

ITEM 4 **9 X 2 BEDROOM MULTIPLE DWELLINGS IN A 4 STOREY BUILDING**
PA2010/1392 **INCLUDING GROUND LEVEL CAR PARKING**
APPLICANT **LOT 4694 (6) HICKORY STREET, TOWN OF NIGHTCLIFF**
AURECON AUSTRALIA PTY LTD

Pursuant to section 97 of the *Planning Act*, Mr Peter McQueen, Chairman of the Development Consent Authority declared a conflict of interest and was not present and did not take part in the deliberation of this item.

Pursuant to section 101(3) of the *Planning Act*, in the Chairman's absence Mr David Hibbert was elected by the Division members to preside during the determination of this item.

DAS tabled an addendum with comments from Power and Water in relation to parking on their easement.

Mrs Kate Large (Aurecon Australia) and Mr John Graney (owner) attended.

Submitter Mr Graham Tribe attended.

- (d) management details of the car parking areas with care given to implications arising from separate access not being provided to every car parking space and absences of some guests, potentially overnight;
 - (e) details so that the guests themselves do not impact on the amenity of the area by their activities on the site. Things to be included but not limited to include curfews, lights out times, limited pool use hours and the like; and
 - (f) details to ensure guests are bona fide 'travellers' and 'temporary' and therefore the use meets the NT Planning Scheme definition of 'bed and breakfast accommodation'.
2. Correctly labelled plans accurately depicting the layout of the site for a maximum of 14 guests in four guest rooms. Plans are to include air conditioner locations, waste bin storage locations and car parks.
 3. Details of the carport post relocation including distance from the street boundary and elevation details, and a statement addressing the special circumstances in accordance with clause 2.5 (Exercise of Discretion by the Authority), which justifies a reduced front setback if proposed. Re-advertising will be necessary if a reduced front setback is intended in order to advise the public of the intent to site the carport within the front setback.
 4. Confirmation from Darwin City Council with regard to whether it has any concerns with the use of the Malak Oval for the parking of boats and other vehicles in association with the use of the site.
 5. An assessment of the use against the following land use definitions listed in the NT Planning Scheme, as from the application and verbal evidence provided at the meeting, it appears there are elements of the following land uses which need to be addressed:
 - Single Dwelling;
 - Bed and Breakfast Accommodation;
 - Home Based Contracting;
 - Home Occupation;
 - Hostel;
 - Motel;
 - Shop;
 - Motor Repair Station; and
 - Vehicle Sales and Hire.
 6. An explanation as to the consistency of the proposed use/development with the purpose of Zone SD (Single Dwelling Residential), and if not consistent, why it would not be more appropriate to be located in a zone that is intended for operations which are commercial in nature.

REASONS FOR THE DECISION

1. Review by Development Assessment Services of the management plan tabled at the meeting will enable the DCA to determine whether the use can be carried out in a manner which will not adversely affect the amenity of the area.

CONDITION PRECEDENT

1. Prior to the endorsement of plans and the commencement of works (including site preparation), details with regard to how walkway and stairwell lighting will be downcast and baffled and appropriately located so as to prevent any adverse effect on neighbouring properties must be submitted to the satisfaction of the consent authority. The plans will then be endorsed and will form part of the permit.
2. Prior to the endorsement of plans and the commencement of works (including site preparation) a schematic plan demonstrating the feasibility of all stormwater to be collected on the site and discharged to Darwin City Council's stormwater drainage system must be provided meeting Darwin City Council requirements to the satisfaction of the consent authority. The plans shall include details such as, but not limited to:
 - (a) Site levels and Council's stormwater drain connection point/s; and
 - (b) How stormwater will be collected on the site and connected to the relevant systems.

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. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity and telecommunications services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
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. Storm water is to be collected and discharged into the drainage network to the technical standards of and at no cost to Darwin City Council, to the satisfaction of the consent authority.
7. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Darwin City Council, to the satisfaction of the consent authority.
8. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways;
 - (c) collect stormwater and discharge it to the drainage network; and
 - (d) undertake reinstatement works;all to the technical requirements of and at no cost to Darwin City Council to the satisfaction of the consent authority.

**RESOLVED
17/11**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 4694 (6) Hickory Street, Town of Nightcliff for the purpose of 9 x 2 bedroom multiple dwellings in a 4 storey building including ground level car parking to require the applicant to provide the following additional information that the Authority consideration necessary in order to enable the proper consideration of the application:

1. Information to the satisfaction of the consent authority demonstrating why the proposed use of the property should be approved, having consideration for Clause 6.14 (Land Subject to Flooding and Storm Surge) of the NT Planning Scheme, which states that "residential uses (which includes supporting accommodation) should be avoided in the PSSA and the SSSA", and include what the impacts of a 1 in 100 year flood event, including the effects of any potential displacement of water from the addition of fill or the proposed structures themselves, will be on the proposed development and surrounding lots when inundated by storm surge, and to clearly satisfy the purpose of Clause 6.14, being to "reduce risk to people, damage to property and costs to the general community caused by flooding and storm surge".

REASON FOR THE DECISION

Clause 6.14 (Land Subject to Flooding and Storm Surge) of the NT Planning Scheme, states that residential uses "should be avoided in the PSSA and SSSA". The statement submitted by the applicant does not give sufficient information to adequately address the purpose of Clause 6.14, being to "reduce risk to people, damage to property and costs to the general community caused by flooding and storm surge", and does not provide sufficient information on the specific impacts of a storm surge event, including the effects of any potential displacement of water from the addition of fill or the proposed structures themselves on other structures or land in the area when inundated.

ACTION: Advice to Applicant

**ITEM 5
PA2010/1400**

**16 X 2 BEDROOM MULTIPLE DWELLINGS IN A 5 STOREY
BUILDING INCLUDING GROUND LEVEL CAR PARKING
LOT 1239 & 5223 (11 & 13) MALABAR COURT, TOWN OF DARWIN
PRECISION DRAFTING SERVICES PTY LTD**

APPLICANT

Mr Andrew Swenson (Precision Drafting Services) attended.

**RESOLVED
18/11**

That, the Development Consent Authority vary 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 Lots 1239 and 5223 (11 & 13) Malabar Court, Town of Darwin for the purpose of 16 x 2 bedroom multiple dwellings in a 5 storey building, subject to the following conditions:

9. 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;
 - (d) drained; and
 - (e) line marked to indicate each car space and all access lanes; to the satisfaction of the consent authority.Car spaces, access lanes and driveways must be kept available for these purposes at all times.
10. 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.
11. 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.
12. 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.
13. 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.
14. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
15. 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.
16. 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.
17. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council to the satisfaction of the consent authority.

NOTES:

1. 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 Northern Territory Fire and Rescue Services should be contacted prior to construction works commencing to determine if the NT Fire and Rescue servicing requirements have been met.
 3. 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~~ 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.
 4. The developer is to contact Telstra via the following website prior to any work commencing to facilitate the installation of the Telstra Network.
<https://www.telstrasmartcommunity.com/>

REASONS FOR THE DECISION

1. The proposal is consistent with the primary purpose of Zone HR (High Density Residential) which is to 'provide high density housing options'.
2. A variation to clause 7.3 (Building Setbacks of Residential Building and Pergolas, Carports and the Like) and of the Northern Territory Planning Scheme is supported as:
 - (a) the site is constrained by the location of 2 easements on the site;
 - (b) the proposal is for a 5 storey building instead of an 8 storey building permitted in Zone HR (High Density Residential) and better reflects the surrounding built form;
 - (c) the verandahs / balconies at the rear are only for access to the dwellings and to the air conditioner units, and not for outdoor living purposes and unlikely to cause significant overlooking.
3. In regards to the shade sail a variation to clause 7.3 (Building Setbacks) of the Northern Territory Planning Scheme is supported, as it is considered that the reduced side setback is unlikely to have any adverse impact on the adjoining property as only a small portion (0.1m) of the shade sail encroaches on the required side setback, the shade sail addition is open sided and it will be screen by a solid 1.8m high boundary fence which will reduce the visual mass of the structure on the neighbouring property.

ACTION: Notice of Consent and Development Permit

ITEM 6

HELD OVER

ITEM 7
PA2010/1348

APPLICANT

**SUBDIVISION AND CONSOLIDATION TO CREATE 2 LOTS
LOTS 1334 & 5297 (3) NEPTUNA CRESCENT & (2) MALABAR STREET,
TOWN OF DARWIN
EARL JAMES AND ASSOCIATES**

Ms Cindy Robson (Strategic Town Planner, Darwin City Council) tabled Council comments dated 2 February 2011.

Mr Kevin Dodd (Earl James & Associates) attended.

**RESOLVED
19/11**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop lots 1334 & 5297 (3) Neptuna Crescent & (2) Malabar Street, Town of Darwin for the purpose of subdivision and consolidation to create 2 lots to require the applicant to provide the following additional information that the Authority considers necessary in order to enable proper consideration of the application:

- consent from Darwin City Council to submit the application

ACTION: Advice to Applicant

ITEM 8
PA2010/1399

APPLICANT

**EXTENSION TO AN EXISTING OFFICE BUILDING AND NEW CARPORT
FOR 6 VEHICLES
PORTION 1553 (10) FARRELL CRESCENT, HUNDRED OF BAGOT
JACKMAN GOODEN ARCHITECTS (NT) PTY LTD**

M Steve Huntingford (Jackman Gooden Architects), Mr Nick Melios and Mr Chris Melios (Nightcliff Builders) attended.

**RESOLVED
20/11**

That, the Development Consent Authority vary the requirements of clause 9.1.1 (Industrial Setbacks) of the Northern Territory Planning Scheme and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Portion 1553 (10) Farrell Crescent, Hundred of Bagot for the purpose of extension to an existing ancillary office building and new carport for 6 vehicles on Unit 1, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans or the commencement of works (including site preparation) a schematic plan demonstrating all stormwater from the proposed works (office extension and new carport) to be collected on the site and discharged to Council's stormwater drainage system must be provided meeting Darwin City Council requirements to the satisfaction of the consent authority.

GENERAL CONDITIONS

2. Works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.

3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity services 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. Storm water is to be collected and discharged into the drainage network to the technical standards of and at no cost to Darwin City Council as the case may be, to the satisfaction of the consent authority.
6. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Darwin City Council, to the satisfaction of the consent authority.
7. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways;
 - (c) collect stormwater and discharge it to the drainage network; and
 - (d) undertake reinstatement works;all to the technical requirements of and at no cost to the Darwin City Council, to the satisfaction of the consent authority.
8. Before the use or occupation of the development starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat;
 - (d) drained to the satisfaction of the consent authority;car spaces and driveways must be kept available for these purposes at all times.
9. Before the use/occupation of the development starts, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
10. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
11. No fence, hedge, tree or other obstruction exceeding a height of 0.6 m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
12. The loading and unloading of goods from vehicles must only be carried out on the land.

- (a) A schematic plan to demonstrate how stormwater will be collected on the site and discharged to Council's stormwater drainage system, to the requirements of Darwin City Council, to the satisfaction of the consent authority;
- (b) Screening to be provided to the fence along the southern boundary such that the carparking area is not visible from Lot 6116, to the satisfaction of the consent authority; and
- (c) The provision of a landscaping plan for the site, with this to include a planting schedule specifying plant species, quantities, pot sizes and size at maturity for all plants to be provided on site. The landscaping plan should emphasise screening along the northern boundary of the site.

GENERAL CONDITIONS

2. Works carried out under this permit shall be in accordance the plans 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 facilities and electricity and telecommunications services to the land shown on the endorsed plan in accordance with the authorities' requirements.
5. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the Council, to the satisfaction of the consent authority.
6. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of, and be at no cost to Darwin City Council, to the satisfaction of the consent authority.
7. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways;
 - (c) collect stormwater and discharge it to the drainage network; and
 - (d) undertake reinstatement works;All to the technical requirements of, and at no cost to, Darwin City Council, and to the satisfaction of the consent authority.
8. Before the use or occupation of the development starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (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;

13. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council to the satisfaction of the consent authority.

NOTE:

Notwithstanding the approved plans, all signage is subject to Darwin City Council approval, at no cost to Council.

REASONS FOR THE DECISION

1. The development is consistent with the form of development expected within Zone GI (General Industry) of the Northern Territory Planning Scheme.
2. A variation to clause 9.1.1 (Industrial Setbacks) to allow a reduced side setback is considered unlikely to have any adverse impact on the amenity of neighbouring property as the drainage easement, access easement and a large car park facility provide a buffer between the proposed development and the existing development on the neighbouring property.
3. The requirement for amended plans showing schematic drainage details will ensure the stormwater from the proposed new office and carport has no adverse impact on the adjoining property.

ACTION: Notice of Consent and Development Permit

ITEM 9
PA2010/1356
APPLICANT

6 X 3 BEDROOM MULTIPLE DWELLINGS IN A 4 STOREY BUILDING
LOT 6115 (31) CLARKE CRESCENT, TOWN OF NIGHTCLIFF
SAVVAS SAVVAS

Mr Savvas Savvas attended.

RESOLVED
21/11

That the Development Consent Authority vary the requirements of clauses 7.1 and 7.3.1 of the Northern Territory Planning Scheme, and pursuant to Section 53(b) of the *Planning Act*, alter the proposed development and consent to the proposed development as altered to develop Lot 6115 (31) Clarke Crescent, Town of Nightcliff for the purpose of 6 x 3 bedroom multiple dwellings in a 4 storey building including ground level carparking, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the commencement of works (including site preparation) a full set of amended plans 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 must be provided, and be generally in accordance with the plans submitted with the application but modified to show:

REASONS FOR THE DECISION

1. The proposal to develop and use the site for the purpose of 6 x 3 bedroom multiple dwellings in a 4 storey building including ground level carparking is consistent with the primary purpose of Zone MR (Medium Density Residential), which is to "provide for a range of housing options to a maximum height of four storeys" and the development is considered to be of a "scale, character and architectural style [that is] compatible with the streetscape and surrounding development".
2. A variation to Clause 7.1 (Residential Density and Height Limitations) of the Northern Territory Planning Scheme is supported as the variation sought is minor and the development satisfies the purpose of the clause, in that it is "of a density compatible with the existing and planned provision of reticulated services and community facilities that will service the area, is consistent with land capability, and is of a height compatible with adjoining or nearby existing development, or development reasonably anticipated".
3. A variation to Clause 7.3.1 (Additional Setbacks for Residential Buildings Longer than 18m and for Residential Buildings over 4 Storeys in Height) is supported as the development satisfies the purpose of the related clause 7.3. The non-compliances are minor and with streets on two sides and a park to the south, there is little impact. The western boundary with residential Lot 6114 includes a carpark across the front of the site, such that no overlooking shall result. The large balconies to each façade break up the building mass, and additional screening is to be imposed through the a proper landscaping plan to further soften the building and reduce overlooking and apparent massing impacts.

In summary, the special circumstances identified for a variation to the requirements of Clause 7.3.1 relate to the degree of articulation provided, the lack of potential impacts on the locality due to there being only one adjoining residential lot, and the appropriateness of the design for the site and locality.

4. The proposed development is largely compliant with the relevant controls, is appropriate for the site and locality, and has little potential impact on the surrounding area.
5. Screening is required to the fence along the southern boundary to ensure that there are no visual amenity impacts, by screening the carparking area from Lot 6116.

ACTION: Notice of Determination

to the satisfaction of the consent authority.

Car spaces, access lanes and driveways must be kept available for these purposes at all times.

9. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
10. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
11. 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.
12. 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.
13. 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.
14. 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.
15. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council, to the satisfaction of the consent authority.

NOTES:

1. The developer is to contact Telstra via the following website prior to any work commencing to facilitate the installation of the Telstra network:
<http://www.telstrasmartcommunity.com/>.
2. The Power and Water Corporation (PAWC) advise that the water service to the units is to be multi-metered.
3. PAWC advise that the developer/ applicant is required to make payment in accordance with the Power and Water Corporation's 'water and sewerage services extension policy' (WASSEP) prior to the receipt of development clearance from PAWC.
4. PAWC advise that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and the Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of one month prior to construction works commencing to determine servicing requirements and the need for upgrading of infrastructure.

ITEM 10
PA2010/1405
APPLICANT

**ADDITION OF 56 MOTEL SUITES TO AN EXISTING MOTEL AND
COMMERCIAL PREMISES IN A THREE STOREY BUILDING
LOT 9717 (227) MCMILLANS ROAD, TOWN OF NIGHTCLIFF
YELLOWCITY**

DAS tabled an addendum with further submissions from Mr Manuel Zaroufis and Darwin and Best Western Darwin Airport Gateway Motel.

Mr Terry Nixon (Yellowcity) attended.

**RESOLVED
22/11**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 9717 (227) McMillans Road, Town of Nightcliff for the purpose of an addition of 56 motel suites in a three storey building and associated two storey car park building to an existing hotel premises, to require the applicant to provide the following additional information that the Authority considers necessary in order to enable proper consideration of the application:

- Clarification as to where car parking for the existing use will be catered for during the construction phase of the development;
- Provide a turn around area for blind aisles within the car parking area, or provide a statement from a suitably qualified and experienced traffic engineer assessing the blind aisles against Australian Standard AS/NZS 2890.1:2004 – Parking Facilities. Where non compliances arise suitable justification is required in order for the DCA to determine whether the car parking area complies with the purpose of clause 6.5.3 (Parking Layout) of the NT Planning Scheme;
- Suitable evidence to be provided to support the argument that 50% of guests do not require parking for a vehicle. Suitable evidence could include a parking study from a traffic engineer in respect to car parking usage of similar developments generally or a survey of car parking usage of the adjacent Best Western development;
- A statement addressing submitters' concerns that the current 120 bay car park is not adequate to cater for the existing hotel use, and therefore more car parking should be provided;
- A statement detailing how the building responds to Clause 8.2 (Commercial and other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T);
- Special circumstance or other written justification being identified which with regard to compliance with Clause 8.3 (Setbacks for Commercial Uses Adjacent to Land in Zones SD, MD, MR and HR) for the building allocated exclusively for the parking of vehicles (and not for residential accommodation purposes);
- Written approval (or concept approval) from Darwin City Council to locate structures located over Darwin City Council easements which constrain the site;
- Waste management in accordance with Council's requirements. This should detail how waste is transported and disposed of between the existing and proposed uses on the site;
- An assessment of the development (including within the car parking garage) against the Community Safety Design Guideline (as referenced in Schedule 3 of the NT Planning Scheme) which in particular addresses safety issues associated with lack of passive surveillance opportunities, sightlines, design of

- the building exterior and openings, entrapment locations, lighting and way finding; and
- Any amendments to the application that arise as a result of the above information requests.

REASONS FOR THE DECISION

1. Whilst car parking dimensions and driveway widths appear to generally accord with Clause 6.5.3, an assessment by a suitably qualified and experience traffic engineer in respect to Australian Standard AS/NZS 2890.1:2004 – Parking Facilities is required to ensure that the car parking facility is appropriately designed for its purpose. It appears that the proposal does not comply with Australian Standard AS/NZS 2890.1:2004 – Parking Facilities with regard to the length of blind aisles and arrangement of internal intersections and roadways.
2. Evidence about the empirical car parking demand is required in order to assess the suitability of the amount of car parking proposed on the site and to address submitters concerns. Although the application claims the development only requires half of the car parking stated in the NT Planning Scheme based on the sites location to the airport, no documentary evidence has been provided in this regard.
3. Further information, justification and assessment of particular clauses of the NT Planning Scheme is required in order to enable an accurate assessment of the application and to address submitters concerns.
4. Written approval is required from Darwin City Council in respect to their easement in order to ensure the proposal does not adversely affect Darwin City Councils infrastructure and ensure that redesign of the development will not be necessary.
5. Waste management arrangements meeting Darwin City Council's requirements are required to ensure that waste storage and collection does not adversely affect the amenity of the site or nearby properties.
6. An assessment against the Community Safety Design Guideline is required to ensure the development respond positively to Clause 8.2 (Commercial and other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T), addresses section 51(p) of the *Planning Act*, addresses submitters concerns and addresses Darwin City Councils concerns. The primary issue is safety concerns associated with the lack of passive surveillance opportunities. Secondary concerns includes how the design of the development responds to crime prevention through design objectives such as sightlines, design of the building exterior and openings, entrapment locations, lighting and way finding,

ACTION: Advice to Applicant

ITEM 11
PA2008/0322
APPLICANT

CHANGES TO THE ROOF FORM OF THE GARAGE
LOT 1776 (352) CASUARINA DRIVE, TOWN OF NIGHTCLIFF
RAW DESIGNS

Mr Rob Watts (Raw Design) and Mr Brad Cunnington (Masterplan) attended and tabled 17 photographs of the site.

Submitter Ms Helen Garnett attended.

RESOLVED
23/11

That, pursuant to Section 57(5) of the *Planning Act*, the Development Consent Authority refuses to consent to the proposed variation to DP08/0371 for the purpose of changes to the roof form of the garage for the following reasons:

1. In this location, dwellings are skewed on the sites to be orientated towards the ocean views, therefore dwellings have a staggered appearance, separated by established gardens and open areas. A 3.7m high wall set 0.3m from the boundary is not compatible with this setting or streetscape created by the surrounding development. The garage of this height in range of the side boundary is not compatible with the surrounding development as it is out of character with the style of existing development in the area.
2. The situation results in adverse building massing impacts when the 3.7m high sheer wall is viewed from the adjoining site. The reduced 0.3m setback compounds the impact of the wall. The wall in this location dominates the appearance of the dwelling on Lot 1776 and restricts the opportunities of Lot 1777 to experience the single dwelling character of the area. Furthermore, the layout of the streets in that area is such that the wall will present strongly to the public realm. The wall is perceived to contribute actively to the building massing on Lot 1776 and therefore has been assessed as unacceptable.
3. Approving the variation will materially affect the amenity of adjoining or nearby land or premises and creates a situation which conflicts with the purposes of Clause 7.1 (Residential Density and Height Limitations) and Clause 7.3 (Building Setbacks of Residential Buildings). The authority considered both the written application and information provided by the applicant at the meeting, and identified no adequate justification to warrant the granting of the variation application.

ACTION: Notice of Refusal

ITEM 12
PA2010/1389
APPLICANT

36 MOTEL SUITES, RESTAURANT, BAR AND HEALTH SPA IN 6 SINGLE
STOREY BUILDINGS AND 2 X 2 STOREY BUILDINGS
LOT 5244 (1) CASINO DRIVE TOWN OF DARWIN
JUNE D'ROZARIO

Ms June D'Rozario attended.

RESOLVED
24/11

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 5244 (1) Casino Drive, Town of Darwin for the purpose of 36 motel suites, restaurants, bar and health spa in

6 single storey buildings and 2 x 2 storey buildings 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. Information to the requirements of NRETAS, to the satisfaction of the consent authority demonstrating
 - Proof of avoidance of discharge into Darwin Harbour or a Waste Discharge Licence will be required;
 - ~~Essential drainage infrastructure from the proposed tourist resort so that stormwater is diverted from direct runoff into the Darwin Harbour;~~
 - Management of processes to show a commitment to the beneficial use of Darwin Harbour;
2. Confirmation from the Department of Health and Families that their "concerns about the proposed lagoon" can be addressed;
3. Provide evidence of the cyclone preparedness / action plan referred to at the meeting; and
4. Provide evidence that the existing gated parking area currently allocated for hotel guests has adequate spare capacity to cater for the additional car parking demand generated by the proposed development.

REASONS FOR THE DECISION

1. NRETAS has advised that the application does not provide sufficient information to make a determination as to whether any addition assessment under the *Environmental Assessment Act* is required as a result of the swimming lagoon. Therefore, additional information is required in order to make an acute determination as to whether further assessment under the Act is required and to ensure that the development does not have a negative impact on the existing environment.
2. The Department of Health and Families advise that the application does not provide sufficient information to make a determination as to whether the lagoon will pose any public health issues. The additional information is required so that there is no negative impact on the health of patrons.

ACTION: Advice to Applicant

ITEM 13
PA2010/1390

CHANGE OF USE OF PART OF AN EXISTING WAREHOUSE TO SHOWROOM SALES

APPLICANT

**LOT 6844 (2) SNELL STREET, TOWN OF DARWIN
JUNE D'ROZARIO**

DAS tabled an addendum with comments from Department of Lands and Planning, an amended site plan showing the removal of some of the carparks and changing the direction of traffic in the car park and a proposed floor space plan.

Ms June D'Rozario attended and tabled an amended site plan and an amended floor space plan.

RESOLVED
25/11

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 6844 (2) Snell Street, Town of Darwin for the purpose of change of use of part of an existing warehouse to showroom sales subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with drawings numbered 2010/1390/1 to 2010/1390/4 endorsed as forming part of this permit.
2. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity and telecommunications services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time, as determined necessary by the Power and Water Corporation.
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. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to Darwin City Council or the Department of Lands and Planning, as the case may be, to the satisfaction of the consent authority.
5. "No entry/no exit" signs and arrows directing the internal traffic movement on site shall be provided prior to the augmented showroom sales use operating from the site to the requirements and satisfaction of the consent authority.
6. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Darwin City Council or the Department of Lands and Planning, as the case may be, to the satisfaction of the consent authority.
7. The carparking, access aisle and driveway shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their visitors.
8. 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.
9. 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.

10. 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.
11. Where unfenced, the Stuart Highway frontage is to be appropriately fenced in accordance with the Department of Lands and Planning standards and requirements to the satisfaction of the consent authority.
12. ~~No goods are to be stored or left exposed outside the building(s) so as to be visible from any public street~~
13. All proposed work (including provision of services) within, or impacting upon the Stuart Highway Road reserve shall 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 Chief Executive, Department of Lands and Planning. Design drawings must be submitted to the Director, Road network Division for Road Agency Approval, and no works are to commence prior to gaining approval.

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. Notwithstanding the approved plans, all signage is subject to *(insert name)* Council approval, at no cost to Council.
3. Any floodlighting or security lighting provided on the site is to be shielded in a manner to prevent the lighting being noticeable or causing nuisance to Stuart Highway or Bagot Road traffic.
4. A "Permit to Work Within a Road Reserve" may be required from Darwin City Council and/ or the Department of Lands and Planning as the case may be before commencement of any work within the road reserve.
5. The finish of any Prime Identification sign, if erected, shall be such that, if illuminated, day and night readability is the same and is of constant display (i.e. not flashing or of variable message). The sign shall be positioned:
 - (b) so as not to create sun or headlight reflection to motorists; and
 - (c) be located entirely (including foundation and aerially) with the subject lot.

Advertising signage, either permanent or temporary i.e. 'A' frame, vehicle or trailer mounted etcetera shall not be erected or located within the Stuart Highway Road road reserve.

REASONS FOR THE DECISION

1. The proposal is an argumentation of the existing use of the site. The showroom sales and warehouse use is considered to be consistent with the character of both the existing development of the subject site and surrounding area as much of the surrounding area contains similar land uses and building types.
2. In respect to car parking numbers it has been assessed that based on the land use, the development satisfies the empirical demand for car parking on site and a reduction in car parking requirements is supported under Clause 6.5.2 (Reduction in Parking Requirements).

ACTION: Notice of Consent and Development Permit

ITEM 14 HELD OVER

ITEM 15 **MIXED USE DEVELOPMENT COMPRISING 66 X 1, 122 X 2 AND**
PA2010/1396 74 X 3 BEDROOM MULTIPLE DWELLINGS, 63 X SERVICED APARTMENT SUITES,
PUB, SHOPS AND OFFICES IN 3 BUILDINGS OF 5, 23 AND 28 STOREYS,
PLUS 4 LEVELS OF BASEMENT CARPARKING
LOT 7587 (68) MITCHELL STREET, TOWN OF DARWIN
APPLICANT JUNE D'ROZARIO

Pursuant to section 97 of the *Planning Act*, Mr Bob Elix and Ms Heather Sjoberg members of the Darwin Division Development Consent Authority declared a conflict of interest and were not present during the evidentiary and the deliberation stage and did not take part in the deliberation of this item.

Ms June D'Rozario (June D'Rozario & Associates), Mr Jason Lee (Part Owner) and Ms Katrina Haddrill (Project Manager) attended.

Ms June D'Rozario tabled a response to Darwin City Council submissions on carparking shortfall.

Mr Paulo Randazzo attended on behalf of submitter Carlo Randazzo.

RESOLVED
26/11

That the Development Consent Authority vary the requirements of Clause 6.3.2 (Volumetric Control in Central Darwin), Clause 6.3.3 (Urban Design Requirements in Central Darwin), Clause 6.5.1 (Parking Requirements) and Clause 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application to develop Lot 7587 (68) Mitchell Street, Town of Darwin for the purpose of a mixed use development consisting of 66 x 1, 122 x 2 and 74 x 3 bedroom multiple dwellings, 63 motel suites, pub, shops and offices in 3 buildings of 5, 23 and 28 storeys, plus 4 levels of basement carparking, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of works (including site preparation) a full set of amended plans 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. Three (3) copies of plans drawn to scale with dimensions must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) Waste bin storage and pick up in accordance with Darwin City Council's Waste Bin Policy, to the requirements of Darwin City Council, to the satisfaction of the consent authority. The waste bin storage facility shall not be relocated to an area that is detrimental to the streetscape, or which sacrifices the level of active interface along Peel and Mitchell Streets.
 - (b) Awnings for the full extent of the Mitchell and Peel Street frontages for each respective building that permit the planting and growth of mature trees within the road reserve and provide all-weather accessibility around the majority of the site.
 - (c) Removal of any reference to verge widening, unless the prior written consent can be obtained from Darwin City Council for such works.
 - (d) Removal of any reference to 'serviced apartments'.
2. Prior to the commencement of works (including site preparation) a schematic plan demonstrating all stormwater to be collected on the site and discharged underground to Council's stormwater drainage system is to be submitted, to the requirements of Darwin City Council, to the satisfaction of the consent authority.
3. Prior to the commencement of works (including site preparation), confirmation is to be provided that all carparking within the site satisfies the controls of Australian Standard AS 2890.1 (Off-street carparking), including the motorcycle bays on Basement Level 001.
4. Prior to the commencement of works (including site preparation) a 'pedestrian movement analysis', to the requirements of Darwin City Council, is to be undertaken by a suitably qualified professional to assess whether upgrades or new works will be required to the existing footpaths and related infrastructure to facilitate safe and convenient pedestrian movement, to the satisfaction of the consent authority.
5. Prior to the commencement of works (including site preparation) a 'Comprehensive Traffic Management Plan' shall be prepared to the satisfaction of the Department of Lands and Planning's Public Transport Division that addresses the ongoing provision of public transport services during construction.

6. A carparking management plan or similar is to be submitted to the consent authority. The study is to focus on minimising conflict within the carparking area and is to specifically clarify how the 40 functional tandem bays will operate, and to which use or tenancy they will be allocated, and to nominate an alternative use for the 30 tandem bays that were not considered functional, such as making them available for storage purposes. It is noted that the number of non-functional bays can be reduced to 9 if the central aisle on Basement Level 002 is shown to allow two-way circulation; if this is undertaken a full set of amended plans will need to be submitted showing this alteration, to the satisfaction of the consent authority.

GENERAL CONDITIONS

7. Works carried out under this permit shall be in accordance the plans endorsed as forming part of this permit.
8. Before the use commences the owner must, in accordance with section 70(3) of the Planning Act, provide 719 parking bays. In accordance with section 70(5) of the Act, before the use commences the developer/ owner must pay a monetary contribution to Darwin City Council in accordance with Council's Carparking Contribution Plan in lieu of the deemed carparking shortfall. The contribution is to be calculated in accordance with the requirements of section 70(6) of the Act. Payment is to be made as per Council's Contribution Plan at the time of payment. Depending on the circumstances regarding the potential adoption of the PSA2010/0435 or amendment of the carparking area to increase the number of functional tandem bays, payment will be as follows:
 - (a) Payment for 264 carparking spaces if the carparking layout is not altered to allow two-way access (meeting the requirements of the NT Planning Scheme) through the central aisle on Basement Level 002 and PSA2010/0435 is not gazetted, to the satisfaction of the consent authority.
 - (b) Payment for 178 carparking spaces if the proposed Planning Scheme Amendment PSA2010/0435 is adopted (or for an amount as per the amendment as gazetted) and the carparking layout is not altered to allow two-way access through the central aisle on Basement Level 002, to the satisfaction of the consent authority.
 - (c) Payment for 249 carparking spaces if the carparking layout is altered to allow two-way access through the central aisle on Basement Level 002 and PSA2010/0435 is not gazetted, to the satisfaction of the consent authority.
 - (d) Payment for 163 carparking spaces if the carparking layout is altered to allow two-way access (meeting the requirements of the NT Planning Scheme) through the central aisle on Basement Level 002 and PSA2010/0435 is gazetted, to the satisfaction of the consent authority.

For the purposes of this condition, the gazettal of PSA2010/0435 may occur up to the time of issue of occupancy permits for the development.

9. Before the use commences the developer/ owner must, pay a monetary contribution to Darwin City Council in accordance with Council's Carparking Contribution Plan in lieu of any on-street carparking spaces removed as a result of this development, to the satisfaction of the consent authority.
10. Before the use commences the developer/ owner must, in accordance with Part 6 of the Planning Act, pay a monetary contribution to Darwin City Council in accordance with Council's Developer Contributions Plans for Stormwater Drainage Works for Darwin Zones E and F, to the satisfaction of the consent authority.
11. All works recommended by the 'pedestrian movement analysis' are to be completed to the requirements of Darwin City Council, to the satisfaction of the consent authority.
12. Confirmation is to be obtained from Darwin City Council that a 'Roadworks Agreement', with respect to the necessary roadworks required to accommodate the development, has been reached. All works within this agreement are to be carried out at the expense of the developer/ owner, to the requirements of Darwin City Council, to the satisfaction of the consent authority.
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 telecommunications services to the land shown on the endorsed plan in accordance with the authorities' requirements.
14. 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.
15. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of, and be at no cost to Darwin City Council, to the satisfaction of the consent authority.
16. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to Darwin City Council, to the satisfaction of the consent authority.
17. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways;
 - (c) collect stormwater and discharge it to the drainage network; and
 - (d) undertake reinstatement works;all to the technical requirements of, and at no cost to, Darwin City Council, and to the satisfaction of the consent authority.
18. 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;
 - (d) drained;
 - (e) line marked to indicate each car space and all access lanes; and
 - (f) 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.

- 19. 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.
- 20. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
- 21. 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.
- 22. 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.
- 23. 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.
- 24. 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.
- 25. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council, to the satisfaction of the consent authority.
- 26. Management of the tandem car parking arrangements shall be carried out at all times in accordance with the car parking management plan required by condition 6 of this permit, to the satisfaction of the consent authority.

NOTES:

- 1. Any landscaping works within Council's road reserve are subject to Council's approval, and shall meet Council's requirements to the satisfaction of the General Manager of Infrastructure, Darwin City Council, and at no cost to Council.
- 2. Darwin City Council advises that, notwithstanding the approved plans, any proposed awnings, footpaths and landscaping works within Council's road

reserve are subject to approval from Darwin City Council, and shall be undertaken at no cost to Council.

3. Darwin City Council advises that any signage for the site shall be wholly within the subject site and subject to Council Policy No. 42 – Outdoor Advertising Signs Code.
4. Darwin International Airport and the Department of Defence advise that separate requests for assessment and approval must be submitted to Darwin International Airport and the Department of Defence for any cranes used during construction that will infringe on either the Obstacle Limitation Surfaces (OLS) or Procedures for Air Navigation – Operations (PAN-OPS) surfaces for Darwin Airport.
5. The RAAF Aeronautical Information Service (AIS) requests final design documentation prior to construction commencing, and “as constructed” plans once construction has been completed.
6. The Power and Water Corporation (PAWC) advises that payment is to be made in accordance with PAWC’s ‘water and sewerage services extension policy’ ((WASSEP) prior to the receipt of development clearance from PAWC.
7. PAWC advises that the developer is to provide the indoor substation building and comply with specific requirements given in NP001.9 Electricity Supply to Large Customers. Refer to www.powerwater.com.au, Business, Power Networks Design and Construction Guidelines, Conditions of Supply to Large Customers.

REASONS FOR THE DECISION

1. The proposal is consistent with the primary purpose of Zone CB (Central Business), which is, “to provide for a diversity of activities including administrative, judicial, professional, office, entertainment, cultural, residential and retail and other business activities, with a commitment to the separation of incompatible activities”.
2. A variation to Clause 6.3.2 (Volumetric Control in Central Darwin) of the Northern Territory Planning Scheme is supported as the proposal is seen to satisfy the intent of the clause, being to “ensure that the siting and mass of buildings within Central Darwin promote a built form that maximises the potential for view corridors to Darwin harbour, the penetration of daylight and breeze circulation between buildings, and privacy for residents of adjoining properties”. The proposal is to incorporate a good level of publicly accessible open space within the development, and with two of the buildings well below the height permissible within the ‘Central Darwin Core Area’ as given in Clause 6.3.1, the resultant development should not appear bulky from adjoining sites and its largely open nature will still allow for breezes to move through the site and sunlight to penetrate the dwellings, and for access to views of Darwin harbour. In addition, the arcade and varied building

heights also allow for the impact on future developments on nearby sites to be alleviated.

3. A variation to subclause 2(b) of Clause 6.3.3 (Urban Design Requirements in Central Darwin) of the Northern Territory Planning Scheme is supported as awnings and overhangs are included for considerable parts of the street frontage and the internal arcade and are recommended to be extended for the Mitchell and Peel Street frontages of each respective building, with this seen to satisfy the purpose of the clause, being to "promote exemplary urban design in central Darwin". Exceptions are granted for the entrances to the arcades as this will allow the development to maintain the 'Chinatown' theme and preserve the prominence of the Chinese entry gateways, and are not considered necessary along Mott Court as this street is to be used primarily for loading purposes and is unlikely to become a pedestrian thoroughfare.
4. In line with the promotion of "exemplary urban design in central Darwin" of Clause 6.3.3 (Urban Design Requirements in Central Darwin) of the Northern Territory Planning Scheme, the waste bin storage area and the electricity substation are not to be relocated to a position that would be detrimental to the streetscape or which would sacrifice the level of active interface, public accessibility, or appearance for the street frontages to the development, with particular attention to the frontages to Smith, Peel and Mitchell Streets.
5. A reduction of the carparking requirements specified by Clause 6.5.1 (Parking Requirements) of the Northern Territory Planning Scheme is supported under Clause 6.5.2 (Reduction in Parking Requirements) in recognition of:
 - 1 carparking bay per every 3 motorcycle bays as this recognises the legitimate parking opportunities in appropriate sized bays that will reduce the overall demand for full sized carparking bays for a reasonable proportion of commuters, and is in recognition of the decisions of the consent authority through previous permits, being DP07/0155, DP07/0450 and DP08/0462;
 - Application of a 10% discount for "non-useable space" in the commercial areas of the development, excluding offices, and is in recognition of the decisions of the consent authority through previous permits, being DP07/0155, DP07/0450 and DP08/0462; and
 - Application of an 80% discount for the hotel component of the development based on day/ night cross useage with the office component, and is in recognition of the decisions of the consent authority through previous permits, being DP07/0155, DP07/0450 and DP08/0462.

- Adoption of the rates given in PSA2010/0435 in the event that the proposed amendment, or similar, is gazetted prior to issue of occupancy permits for the development in recognition of exhibited rates and the results of the 'Central Darwin Carparking Generation and Utilisation Study', which was commissioned by the Northern Territory Government to assess the acceptability of the carparking rates in the Planning Scheme for CBD developments.
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6. A variation to Clause 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme with regard to access and manoeuvrability is supported as a condition has been imposed requiring the development to satisfy the controls of Australian Standard AS 2890.1 (Off-street carparking), with the layout therefore satisfying the manoeuvring objectives of the clause. This addresses the concerns relating to the minor non-compliance of two of the aisles in Basement 4, which have widths of 5.8m as opposed to 6.0m, and the potential to access the motorcycle bays on Basement 1.
 7. A variation to Clause 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme with regard to the inclusion of tandem bays is supported as this was accepted on the three relevant permits previously granted over the site, DP07/0155, DP07/0450 and DP08/0462 (the number of tandem bays being no more than that allowed through an identical proportion permitted through DP08/0462), as each multiple dwelling will have exclusive access to at least one bay fronting the carparking area, with the further operation of the carparking area (ie. the tandem bays) to be shown to be managed by a carparking management plan or similar, and as all bays included in the calculation will not impact on the main flow of traffic going between basement levels.
 8. Awnings have been imposed for the extent of the Mitchell and Peel Street frontages for each respective building as this will allow the development to reach near full compliance with Clause 6.3.3 (Urban Design Requirements in Central Darwin), in particular subclause 2(b), which requires "awnings to streets for the full extent of the site frontage that allow for the planting and growth of mature trees within the road reserve", and should allow for greater accessibility for the development along the dominant frontages to the site, and in recognition of the fact that these are popular pedestrian thoroughfares that are only expected to increase in patronage.
 9. A stormwater drainage plan is required as Council has stated that there is currently insufficient information to assess the capabilities of the development to discharge to Council's drainage network.
 10. Confirmation that the carparking area meets the standards given in AS 2890.1 (Off-Street Carparking) is in recognition of Council's concerns regarding access and manoeuvrability for some spaces, in particular the identified motorcycle bays on Basement Level 001, and as this will ensure the development meets the purpose of Clause 6.5.3 (Parking

Layout), being to see that "a carparking area is appropriately designed, constructed and maintained for its intended purpose".

11. As per the recommendation from Darwin City Council, a 'pedestrian movement analysis' is required to be undertaken by a suitably qualified professional to assess the impact of the development on pedestrian flows and safety, and to determine whether new works will be required to the existing footpaths and related infrastructure.
12. Payment in lieu to Council for the deemed shortfall is required to enable formal provision of the assessed number of carparking spaces required for the development.
13. Payment in lieu to Council for the removal of any on-street parking spaces is supported as it is necessary that compensation be provided for the loss of an existing Council asset.
14. A 'Comprehensive Traffic Management Plan' is to be provided to the satisfaction of the Department of Lands and Planning's Public Transport Division as the site is on a major inbound services route and such a plan is required in the event that public transport services are affected during construction.
15. A restriction on buses accessing Mott Court or using the streets adjacent to the development for parking is in place as the application does not identify how buses in excess of 10m in length will be accommodated on the site.
16. A carparking management plan is required to confirm that the use of all tandem bays will not unreasonably impede traffic flow or circulation.

ACTION: Notice of Consent and Development Permit

ITEM 16
PA2010/1401
APPLICANT

ADDITION OF 40 NEW CABINS TO AN EXISTING CARAVAN PARK
SECTION 3244 (11) FARRELL CRESCENT, HUNDRED OF BAGOT
BELL GABBERT ASSOCIATES PTY LTD

DAS tabled an addendum which was an acoustic report.

Mr Mark Bell (Bell Gabbert Associates) attended.

RESOLVED
27/11

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Section 3244 (11) Farrell Crescent, Hundred of Bagot for the purpose of 40 cabin additions to an existing caravan park, in two stages subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and the commencement of works (including site preparation) a schematic plan demonstrating the feasibility of all stormwater to be collected on the site and discharged to Darwin City Council's and/or the Department of Lands and Planning's stormwater drainage system, as the case may be, must be provided meeting Darwin City Council and/or the Department of Lands and Planning requirements to the satisfaction of the consent authority. The plans shall include details such as, but not limited to:
 - (a) Site levels and Department of Lands and Planning and Council's stormwater drain connection point/s; and
 - (b) How stormwater will be collected on the site and connected to the relevant systems.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council to the satisfaction of the consent authority.
5. Before the use commences of the development, firebreaks along boundaries or at appropriate locations shall be provided to the satisfaction of the consent authority on advice from the Northern Territory Fire and Rescue Services.
6. The 40 cabins are to be constructed such that they meet the acoustic performance ratings given in Australian Standard AS 2021 – 2000 (*Acoustics – Aircraft Noise Intrusion – Building Siting and Construction*).
7. The site is to be kept clean of rubbish and any storage of waste is to be covered at all times in a manner so as to not attract birds or bats, to the satisfaction of the consent authority.

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. All commercial accommodation must comply with the NT Public Health Act, NT Public Health (Shops, Boarding Houses, Hostels and Hotels) Regulations and the proposed NT Public Health Guidelines for Commercial Visitor Accommodation.
3. Plans must be submitted to the Environmental Health Greater Darwin Region, via a Building Certifier, for approval, prior to the construction of building works. Following assessment and approval the premises are required to be registered as a boarding house with the Department of Health and Families Environmental Health Greater Darwin Region prior to operating.

REASONS FOR THE DECISION

1. The proposed development is consistent with the primary purpose of Zone CV which "is to provide for caravan parks".
2. The application is for 40 cabin additions to an existing caravan. The site is in Zone MZ (Multi Zone) which comprises of zones CV (Caravan Park) and PS (Public Open Space) and is located between the Stuart Highway and Farrell Crescent, Winnellie. Furthermore, the proposed development will be within the portion of the site which is in Zone CV (Caravan Park).
3. The 40 cabin additions to the caravan park comply with the relevant requirements of the Northern Territory Planning Scheme. It is noted that under the Northern Territory Planning Scheme a 'caravan park' cabin requires 1.1 car parking space for every guest room. Based on this the 40 proposed cabins would generate a total of 44 car parking spaces. A total of 52 car parking spaces have been provided in close proximity to the cabins.
4. The subject site is within the 25 ANEF Contour. However, clause 6.9 (Land in Proximity to Airports) does not apply as the caravan park is not within zones A, RL, R, CP, CN, RD, WM and FD. It is considered that the proposed cabin units can be likened to short term accommodation and therefore, can be likened to a hotel, motel or hostel. A hotel, motel or hostel is conditional acceptable on land in the 25 – 30 ANEF zone. Under the guides uses that are in the 'conditionally acceptable' range may be approved if buildings include appropriate sound proofing measures in their construction. As no direct reference is made to this matter in the subject application a condition is required that will ensure compliance with the standards of AS 2021.

5. It is necessary the site is kept clean of rubbish and any waste which is stored on the site is to be covered at all times to ensure that the development is in accordance with Clause 9.6 (Land in Close Proximity to Airports) which states that the development of "land is not to be of a nature that attracts birds or bats to an extent that prejudices the safe operation of an airport".

ACTION: Notice of Consent and Development Permit

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



GRANT TAMBLING
Delegate

10/2/11