



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 203 – FRIDAY 18 JANUARY 2013

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

MEMBERS PRESENT: David Hibbert (Presiding Member), Steve Ward, Garry Lambert and Robin Knox

APOLOGIES: Peter McQueen (Chairman) and Grant Tambling

OFFICERS PRESENT: Margaret Macintyre (Secretary), Hanna Stevenson and Peter Sdraulig (part of the meeting only), Steven Conn and Michael O'Neill (Development Assessment Services)

COUNCIL REPRESENTATIVE: Cindy Robson (Strategic Town Planner) and Clayton Logan (Graduate Trainee) – Items 8 & 9 only

**Meeting opened at 9.45 am and closed at 1.30 pm
Reopened at 2.40 pm and closed at 3.00 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 **SUBDIVISION FOR A LEASE IN EXCESS OF 12 YEARS (1 LOT)**
LOT 6495 (73) REICHARDT ROAD, TOWN OF DARWIN
APPLICANT **VEKTA PTY LTD**

Mr Gregg Hestelow (Vetka Pty Ltd) attended.

RESOLVED That, pursuant to section 53(a) of the *Planning Act*, the Development Consent
5/13 Authority consent to the application to develop Lot 6495 (73) Reichardt Road, Town
of Darwin for the purpose of a subdivision for a lease in excess of 12 years (1 lot),
subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawing numbered 2012/0897/1, endorsed as forming part of this permit.
2. The lessee of the land must provide evidence of a lease agreement with the land owner that demonstrates that legal access over Lot 6495, Town of Darwin, to the lot subject of this permit has been achieved.
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 services to the land shown on the endorsed plan in accordance with the authority's requirements.
5. 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.

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 developer is to contact Telstra via the following website prior to any work commencing to facilitate the installation of the Telstra network: <http://www.telstrasmartcommunity.com/>, and is to register the development with NBN Co at <http://www.nbnco.com.au/getting-connected/new-developments.html>.
3. Telstra advises that the developer is required to contact "Dial Before You Dig" on 1100 to obtain a location of the Telstra network, and arrange for any removal or relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1-800-810-443.

REASONS FOR THE DECISION

1. The subdivision for a lease in excess of 12 years over Lot 6495, Town of Darwin, will not impinge on the useability of the remainder of the allotment or surrounding premises, and accords with the primary purpose of zone GI (General Industry), being "to provide for general industry".
2. Legal access is required to the lease area as this space is only accessible through the remainder of Lot 6495. Ongoing and reliable access is necessary for the proper maintenance and servicing of the related telecommunications facility.
3. In accordance with the requirements of section 51(m) of the *Planning Act*, consideration has been given to all comments received from service authorities, ensuring an appropriate level of service is maintained for the site and surrounding locality, and that all requirements are met by the development.

ACTION: Notice of Consent and Development Permit

ITEM 2
PA2012/0889
APPLICANT

SUBDIVISION AND CONSOLIDATION TO CREATE 3 LOTS
LOTS 8018, 8022 & 8023 (49) PARAP ROAD & (2) MITAROS PLACE, TOWN OF DARWIN
EARL JAMES AND ASSOCIATES

Mr Kevin Dodd (Earl James & Associates) attended.

RESOLVED
6/13

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lots 8018, 8022 & 8023 (49) Parap Road & (2) Mitaros Place, Town of Darwin for the purpose of subdivision and consolidation to create 3 lots, subject to the following conditions:

CONDITIONS

1. The works carried out under this permit shall be in accordance with drawing number 2012/0889/1, endorsed as forming part of this permit.

2. The works carried out under this permit shall be in accordance with the terms of the existing disclosure statement registered on the titles of the subject lots, endorsed under Development Permit DP08/0375 and its subsequent variation, to be amended (if required) to the requirements of the Registrar General, to the satisfaction of the consent authority.

REASONS FOR THE DECISION

1. The estate would remain consistent with the primary purpose of Zone MR (Medium Density Residential), being to provide for a range of housing options to a maximum height of four storeys above ground level. The proposed subdivision is administrative in nature and would not require any physical works or facilitate any further residential development within the estate.
2. The proposal complies with clauses of the Northern Territory Planning Scheme relevant to residential subdivision in Zone MR (Medium Density Residential).

ACTION: Notice of Consent and Development Permit

**ITEM 3
PA2012/0950
APPLICANT**

**DEPENDANT UNIT ADDITION TO AN EXISTING SINGLE DWELLING
LOT 9270 (6) KILFOYLE CRESCENT, TOWN OF NIGHTCLIFF
ONE PLANNING CONSULT**

Mr Israel Kgosiemang (One Planning Consult) and Mr Noufris Kypreos (owner) attended.

**RESOLVED
7/13**

That, the Development Consent Authority vary the requirements of clause 7.10.4 (Dependant units) of the Northern Territory Planning Scheme and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 9270 (6) Kilfoyle Crescent, Town of Nightcliff for the purpose of a dependant unit addition to an existing single dwelling, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a schematic plan demonstrating all stormwater can be collected on the site and discharged to Council's stormwater drainage system, to the requirements of the City of Darwin, to the satisfaction of the consent authority.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings numbered 2012/0950/1 through to 2012/0950/3 inclusive, 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, gas 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 and of at no cost to the City of Darwin, to the satisfaction of the consent authority.
6. This dependant unit is to be used for the purpose of providing accommodation for a dependent of a resident of the existing single dwelling.

NOTE:

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 servicing requirements of the Corporation, and the need for upgrading of on-site and/or surrounding infrastructure.

REASONS FOR THE DECISION

1. The proposed development does not conflict with the primary purpose of zone SD (Single Dwelling) to provide for single dwellings on individual lots, and is in line with the purpose of clause 7.10.4 (Dependant Units), in that the dependant unit subject of this application is clearly ancillary to the single dwelling on the site.
2. A schematic stormwater plan is required in order for the development to demonstrate that it is technically feasible to collect stormwater on the site and dispose of it into Council's stormwater drainage system, and to ensure that no stormwater will sheet-flow into the road reserve or onto adjoining properties.
3. A variation to clause 7.10.4 (Dependant Units) of the Northern Territory Planning Scheme is supported as the non-compliant floor space of the dependant unit is not considered to result in any detrimental amenity impacts to surrounding premises. The dependant unit is to accommodate a relative of the residents of the main house, in line with the definition for a dependant unit given in the Planning Scheme, and the additional floor area. The yard is fairly large and includes a good level of existing and proposed dense landscaping to further minimise any potential noise or aesthetic impacts to surrounding properties.

ACTION:

Notice of Consent and Development Permit

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ITEM 4
PA2012/0840
APPLICANT

**ADDITION OF A RESTAURANT WITH A DRIVE THROUGH FACILITY TO AN EXISTING SHOWROOM SALES, SHOP AND RESTAURANT DEVELOPMENT SECTION 6467 (798) VANDERLIN DRIVE, HUNDRED OF BAGOT
KEN BRYAN**

DAS tabled an addendum comments from Department of Transport and the applicants response to those comments.

Mr Ken Bryan and Mr Jim Eadie (both from Sunbuild) attended.

**RESOLVED
8/13**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Section 6467 (798) Vanderlin Drive, Hundred of Bagot for the addition of a restaurant with a drive through facility to an existing showroom sales, shop and restaurant development, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) landscaping adjacent to the loading bay. Details of the landscaping proposed including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant must also be provided.
2. Prior to the endorsement of plans and prior to the commencement of works, a Traffic Impact Assessment is to be submitted in accordance with the Austroads document "Guide to Traffic Management Part 12: Traffic Impacts of Developments", in a format consistent with Appendix C of the guide. The assessment is to be carried out 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 works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the local stormwater drainage system shall be submitted to and approved by the City of Darwin and/or the Department of Transport (Road Network Division), as the case may be, to the satisfaction of the consent authority. The plan shall include details of site levels and stormwater drain connection point/s.

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. 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. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities and telecommunication networks to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
7. Headlight barriers shall be installed to the drive-through area to prevent headlights being noticeable or causing nuisance to Stuart Highway traffic, to the requirements of the Department of Transport (Road Network Division) and the satisfaction of the consent authority.
8. "No entry/no exit" signs and arrows directing the internal traffic movement on site shall be provided at completion of building to the requirements and satisfaction of the consent authority.
9. 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.
10. Before the use of the development starts the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
11. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
12. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin and the Department of Health (Environmental Health), to the satisfaction of the consent authority.
13. 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.
14. No goods are to be stored or left exposed outside the building so as to be visible from any public street.
15. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
16. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into City of Darwin or Northern Territory Government drains or to any watercourse.

NOTES:

1. A "Permit to Work Within a Road Reserve" may be required from the City of Darwin or the Department of Infrastructure before commencement of any work within the road reserve.
2. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the Building Code of Australia, the NT *Public Health Act* and *Regulations*, the NT *Food Act* and National Food Safety Standards.
3. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to Council.
4. 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 Department of Land Resource Management.
5. 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.
6. 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.

REASONS FOR THE DECISION

1. In the context of the site the proposed restaurant is consistent with the primary purpose of Zone SC (Service Commercial) of the Northern Territory Planning Scheme, being to provide for commercial activities which, because of the nature of their business or size of the population catchment, require large sites. The restaurant would complement the primary shop and showroom sales development of the site.
2. Pursuant to Clause 6.5.2 (Reduction in Parking Requirements) of the Northern Territory Planning Scheme, a reduction of 5 car spaces required within the proposed drive-through lane is appropriate given the smaller scale and specific nature of the proposed restaurant, as well as the cross-utilisation of car parking within the site. It is noted that the site would continue to provide the minimum number of car parks required under the Planning Scheme, and should the drive-through overflow during a peak event, motorists would still have the option of parking and entering the restaurant on foot.

3. As the authorities responsible for the management of the local road network, 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.
4. As authorities responsible for stormwater drainage in the subject area, the City of Darwin and the Department of Transport (Road Network Division) have requested details of the collection and discharge of stormwater runoff from the proposed development.

ACTION: Notice of Consent and Development Permit

**ITEM 5
PA2012/0951**

**CHANGES TO THE DEVELOPMENT APPROVED BY DP12/0145 COMPRISING AN INCREASE IN HEIGHT, CHANGES TO THE CAR PARK LAYOUT AND OTHER MINOR INTERNAL AND EXTERNAL ALTERATIONS
LOTS 2193, 2194, 2197 & 2203 (79) & (81) SMITH STREET, (6) BRIGGS STREET & (3) MOTT COURT, TOWN OF DARWIN
APPLICANT JACKMAN GOODEN ARCHITECTS (NT) PTY LTD**

Mr Regan Anderson and Mr Mpho Keipidile from Halikos Pty Ltd (owners) attended.

**RESOLVED
9/13**

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) and clause 7.5 (Private Open Space) of the NT Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application to develop Lots 2193 & 2194 (79 & 81) Smith Street, Lot 2197 (6) Briggs Street & Lot 2203 (3) Mott Court, Town of Darwin for the purpose of changes to the development approved by DP12/0145 comprising an increase in height, changes to car parking layout and other minor internal and external alterations, subject to the following conditions which supersede all conditions of Development Permit DP09/0145:

1. Prior to endorsement of the plans and prior to the commencement of works (including site preparation), the applicant is to submit final design concept plans for the porte-cochere and Smith Street footpath to the requirements and satisfaction of General Manager Infrastructure City of Darwin, and to the satisfaction of the consent authority.
2. Prior to endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a schematic plan demonstrating all stormwater to be collected on the site and discharged underground to Council's stormwater drainage system, to the requirements of City of Darwin and to the satisfaction of the consent authority.
3. Prior to endorsement of plans and prior to the commencement of works (including site preparation), written advice from City of Darwin is required confirming that the Traffic Impact Study prepared by i3 consultants dated 15/12/2011 is to the requirements of City of Darwin, to the satisfaction of the consent authority.

4. Prior to endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to obtain approval from the Power and Water Corporation for development on/ over its easement or otherwise as required by Power and Water Corporation, to the satisfaction of the consent authority.
5. Works carried out under this permit shall be in accordance with the drawings numbered 2012/0951/1 through 2012/0951/18 endorsed as forming part of this permit.
6. Prior to commencement of use, in accordance with Section 70(5) of the *Planning Act*, a monetary contribution is to be made to City of Darwin with respect to the on-street car parking bays on Smith Street and Briggs Street that will be lost as a result of the development. The contribution is to be calculated in accordance with the requirements of Section 70(6) of the *Planning Act*.
7. 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'.
8. Parking meters No. 3702 on Briggs Street and No. 711 on Smith Street must be relocated to the requirements of City of Darwin, and to the satisfaction of the consent authority, and be at no cost to Council.
9. Design drawings showing the proposed location of replacement street lighting must be submitted to Council, to the satisfaction of the General Manager of Infrastructure, City of Darwin, to the satisfaction of the consent authority, and be at no cost to Council. The street lighting must be installed prior to the commencement of use.
10. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage, 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.
11. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
12. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of City of Darwin, to the satisfaction of the consent authority.
13. 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 City of Darwin to the satisfaction of the consent authority.

14. 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.
15. 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.
16. The porte-cochere must be retained and kept available at all times for use by motel guests and others visiting the motel development.
17. 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.
18. A tree is to be planted, to the requirements of City of Darwin, to the satisfaction of the consent authority, replacing the tree to be removed as a result of the introduction of the porte-cochere, and is to be at no cost to Council.
19. 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.
20. 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.
21. Soil erosion and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
22. 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.
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 of to ground level in a controlled manner to the satisfaction of the consent authority.

24. Storage and collection of waste disposal bins is to be provided to the requirements of City of Darwin to the satisfaction of the consent authority.
25. An Occupancy Permit under the *Building Act* shall not be granted until such time as Lots 2193, 2194, 2197 & 2203, Town of Darwin have been consolidated and a new title issued in respect of that consolidated allotment.

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. Notwithstanding the approved plans, any works within Council's road reserve is subject to Council's approval and shall meet all Council's requirements to the satisfaction of the General Manager or Infrastructure, City of Darwin and at no cost to Council.
3. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to Council.
4. The developer is to contact Telstra via <http://www.telstrasmartcommunity.com/> prior to any work commencing to facilitate the installation of the Telstra Network.
5. 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.
6. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the Building Code of Australia, the *NT Public Health Act* and Regulations, the *NT Food Act* and National Food Safety Standards.
7. Should the development be unit titled, the maintenance access and planter at podium level will be required to be with common property.

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, retail and other business activities, with a commitment to the separation of incompatible activities.

2. Variations to clause 6.3.2 (Volumetric Control in Central Darwin) are on the basis that variations were previously granted approval under Development Permit DP12/0145 and that:

the additional height of the (screened) roof top plant/ service equipment is only marginally higher than the approved height, and the provision of roof top plant/ service equipment is consistent with the outcome envisaged by part 4(d) of clause 6.3.3 (Urban Design Requirements in Central Darwin) which is that buildings 'integrate plant rooms and service equipment on roof tops';
the stairwell is located at the end of the building and is a minor element in the context of the overall building; and
the additional lift well height and proposed lightning rod do not impact on the requirements of this clause.

3. Variations to clause 6.3.3 (Urban Design Requirements in Central Darwin) and clause 7.5 (Private Open Space) of the Northern Territory Planning Scheme are on the basis that the variations were previously granted approval under Development Permit DP12/0145, and that the proposed changes do not alter these aspects of the Scheme.

ACTION: Notice of Consent and Development Permit

ITEM 6 **20 X 2 AND 60 X 1 BEDROOM MULTIPLE DWELLINGS WITH GROUND LEVEL**
PA2012/0952 **OFFICE IN A 14 STOREY BUILDING INCLUDING 2 LEVELS OF BASEMENT CAR**
 PARKING AND CAR PARKING AT LEVEL 1
APPLICANT **LOT 1756 (25) DALY STREET, TOWN OF DARWIN**
 GROUP 1 CONSULTING PTY LTD

Mr Brad Cunningham and Ms Adelle Godfrey (Masterplan NT) and Mr Nick Halkitis (owners son) attended.

RESOLVED That, the Development Consent Authority vary the requirements of clauses 6.3.2
10/13 (Volumetric Control in Central Darwin), 6.3.3 (Urban Design Requirements in Central Darwin), 6.5.3 (Parking Layout) and 7.5 (Private Open Space) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 1756 (25) Daly Street, Town of Darwin, for the purpose of 60 x 1 bedroom and 20 x 2 bedroom multiple dwellings with ground level office in a 14 storey building including two levels of basement carparking and carparking at level one, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:

- (a) The materials and finishes to be used to the carparking area, water meter and fire booster to the Gardens Hill Road frontage, the communal recreation space that fronts both Gardens Hill Road and Daly Street, and the substation on the Dashwood Place frontage, which improves the streetscape and gives consideration to clause 6.3.3 (Urban Design Requirements in Central Darwin), which seeks active street frontages for all developments within zone CB (Central Business);
 - (b) Detail on the degree of transparency being provided to the ground level communal recreation area with a view to, not only increasing the level of activity for those passing the site, but also to allowing sufficient penetration of natural breezes and sunlight to ensure an appropriate level of amenity is provided to the residents of the development;
 - (c) Removal of the sunscreens and sunhoods extending over Council property to the Gardens Hill Road and Dashwood Place frontages for Levels 2 – 6, to the satisfaction of the consent authority, or written confirmation that these elements have gained the approval of the City of Darwin;
 - (d) Removal of the landscaping shown within the Council road reserve fronting Gardens hill Road, and the provision of an appropriate building design response to accommodate the aesthetic and amenity impacts of this, to the satisfaction of the consent authority, or written confirmation that the landscaping described has gained the approval of the City of Darwin;
 - (e) Inclusion of shade screening to balconies, with particular attention paid to balconies with a west facing aspect; and
 - (f) Provision of street awnings to the Gardens Hill Road and Dashwood Place frontages, except where the location of the awning would interfere with the practical operation of the driveways and loading area.
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a traffic impact assessment report prepared in accordance with the Austroads document 'Guide to Traffic Management Part 12: Traffic Impacts of Developments'. The report must outline changes that will be required to the surrounding road network and address vehicular, pedestrian, cyclist and public transport issues and opportunities. The report is to be to the approval of the City of Darwin and the Road Networks Division of the Department of Transport, to the satisfaction of the consent authority.
 3. Prior to the endorsement of plans and prior to commencement of works (including site preparation), the applicant is to prepare a Construction Environmental Management Plan (CEMP), to the requirements of the City of Darwin, to the satisfaction of the consent authority. The CEMP is to address how construction will be managed on the site, including the haulage of excavated and new materials, traffic management for construction vehicles, fencing and hours of construction.
 4. Prior to the endorsement of plans and prior to the commencement of works (including site preparation) the applicant is to provide a 'Traffic Management Plan', prepared to the satisfaction of the Department of Transport's Public Transport Division, that addresses the ongoing provision of public transport services during construction in the event that construction activities will see the closure of lanes or interruption to traffic along Daly Street.

GENERAL CONDITIONS

5. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
6. 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 Council's Stormwater Contribution Plan.
7. All works recommended by the Traffic Impact Assessment report are to be completed to the requirements of the City of Darwin and the Road Networks Division of the Department of Transport, to the satisfaction of the consent authority.
8. 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.
9. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and telecommunication networks to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
10. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin to the satisfaction of the consent authority.
11. 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.
12. 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.
13. 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.

14. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the City of Darwin, to the satisfaction of the consent authority.
15. The loading and unloading of goods from vehicles must only be carried out on the land and must not disrupt the circulation and parking of vehicles on the land.
16. 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.
17. 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.
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. 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. 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.
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. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

NOTES:

1. The Power and Water Corporation advises that:
 - The current local infrastructure cannot sustain the necessary fire fighting flows for the development and as a result the developer will be required to contribute towards the upgrade of the local water reticulation infrastructure. The applicant/ developer should contact Power and Water Corporation's Services Development Technical officers prior to the commencement of works to discuss water supply and contribution requirements.
 - Payment is to be made in accordance with PAWC's 'water and sewerage services extension policy' (WASSEP) prior to the receipt of development clearance from PAWC.
 - The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and the

Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the servicing requirements of the Corporation, and the need for upgrading of on-site and/or surrounding infrastructure.

2. The Department of Lands, Planning and the Environment's 'Environment Protection Agency' advises that construction work should be conducted in accordance with the Department's Noise guidelines for development sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
3. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to the City of Darwin.
4. Notwithstanding the approved plans, any proposed works (including landscaping and structures) within Council's road reserve and Council land is subject to Council's approval and shall meet all Council's requirements, to the satisfaction of the General Manager of Infrastructure, City of Darwin and at no cost to Council.
5. The developer is required to contact 'Dial Before You Dig' on 1100 to obtain a location of the Telstra Network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.

REASONS FOR THE DECISION

1. The development, proposing multiple dwellings and a commercial tenancy, is consistent with the primary purpose of zone CB (Central Business), being "to provide for a diversity of activities including administrative, judicial, professional, office, entertainment, cultural, residential, retail and other business activities, with a commitment to the separation of incompatible activities".
2. A variation to the requirements of clause 6.3.2 (Volumetric Control in Central Darwin) of the Northern Territory Planning Scheme is on the basis that the non-compliances affecting the encroachments into the 6m setback for the Tier 2 aspect are minor and give consideration to the existing and likely future developments within the vicinity of the site. The building elements encroaching to the greatest degree, the balconies to Daly Street, have a negligible impact on access to views and breezes to surrounding properties as a result of the inset portions at the ends of the facade. The two facades that have lengths in excess of 75% result from the non-compliance regarding the Tier 2 setbacks. The affected facades are non-compliant for a length of just 2.9m and, due to these portions extending for 7.8m, leaving significant setbacks closer to the boundaries, thereby creating articulation and minimising impacts on views and breeze penetration. Evidence has also been provided by the applicant to

support the minimal impact of these non-compliances on surrounding developments, and to remain in accord with the purpose of the clause, to “ensure that the siting and mass of buildings within Central Darwin promotes a built form that maximises the potential for view corridors to Darwin harbour, the penetration of daylight and breeze circulation between buildings, and promotes privacy for residents of adjoining properties”.

3. A variation to the requirements of clause 6.3.3 (Urban Design Requirements in Central Darwin) of the Northern Territory Planning Scheme is on the basis that the development shows an understanding of the significance of the streets that the development fronts. The focus is on Daly Street, with the level of activity then reducing to the Gardens Hill Road and Dashwood Place frontages. Additional screening to the services required by each of the service authorities, as conditioned, should ensure that the service nature of these elements is not apparent and that the site will see an appropriate aesthetic and active outcome for the subject site.
4. A variation to the requirements of clause 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme is on the basis that the majority of parking spaces exceed the dimensional requirements of this clause and all access aisles provide for proper manoeuvring within the parking area. There is an overall surplus of 6 parking spaces provided, while only 3 are non-compliant against clause 6.5.3, such that the development is seen to satisfy the purposes of both clauses 6.5.1 and 6.5.3. There is “sufficient off-street carparking, constructed to a standard and conveniently located. to service the site” as per the purpose of clause 6.5.1 (Parking Requirements). The carparking area is “appropriately designed... for its intended purpose for the use of vehicle parking only”, as per the purpose of clause 6.5.3 (Parking Layout) of the NT Planning Scheme.
5. A variation to the volumetric controls of clause 7.5 (Private Open Space) of the Northern Territory Planning Scheme is on the basis that all present balconies with useable areas, satisfying the purpose of this clause for private open space areas to be “appropriately sited and of an adequate size to provide for domestic purposes”, and which are only marginally non-compliant against the listed area and dimensional controls given in the relevant table. Eighteen of the non-compliant balconies have areas of between 11.4m² and 11.7m², presenting trivial non-compliances, while the remaining 10 have areas of 9.5m², all of which are one bedroom only and have access to two frontages, thereby providing a greater level of cross ventilation. The context of the overall development also shows that the vast majority of units exceed the requirements of clause 7.5, several by significant amounts, and most of which possess good views out from the site, the design showing clear consideration of the requirements and purpose of this clause.

6. Written confirmation that the works, including landscaping, extending on or over Council land have gained the formal consent of the City of Darwin is necessary as the application documents do not include this consent, which is a requirement for these works to proceed. If consent is not forthcoming then it is considered necessary that a subsequent design response is enacted to accommodate the aesthetic impact resulting from the removal of the landscaping to the Gardens Hill Road frontage, which is shown to screen this facade to a height well above ground level.
7. A traffic impact assessment report, in accordance with the Austroads document 'Guide to Traffic Management Part 12: Traffic Impacts of Developments', is required in order to demonstrate that the development can be supported without undue impact on the site and locality, and in recognition of the matters raised by the City of Darwin and the Road Networks Division of the Department of Transport, as required by section 51(n) of the *Planning Act*.
8. The Department of Transport has indicated the necessity of a traffic management plan for any construction works that may impact on services or traffic utilising Daly Street. If construction works are not to impact on this road then it is reasonable to request written confirmation of this from the applicant.

ACTION: Notice of Consent and Development Permit

**ITEM 7
PA2012/0846**

**ADDITIONS TO AN EXISTING MULTIPLE DWELLING WITH REDUCED FRONT
SETBACKS (UNIT 1)**

LOT 4820 (5) PALM STREET, TOWN OF NIGHTCLIFF

APPLICANT

GEOFF BARBER

Mr Geoff Barber attended.

**RESOLVED
11/13**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 4820 (5) Palm Street, Town of Nightcliff, for the purpose of additions to an existing multiple dwelling (Unit 1), subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the commencement of works (including site preparation) a schematic plan is to be provided, demonstrating that all stormwater can be collected on the site and discharged to the requirements of City of Darwin. This plan is to include details of site levels and stormwater drain connection points within the vicinity of the site.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with drawing numbers 2012/0846/1 through 2012/0846/5 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 and sewerage facilities to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
5. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of City of Darwin, to the satisfaction of the consent authority.
6. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways;
 - (c) collect stormwater and discharge it to the drainage network; and
 - (d) undertake reinstatement works;all to the technical requirements of and at no cost to City of Darwin 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. 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.
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. Storage and collection for waste disposal bins is to be provided to the requirements of City of Darwin to the satisfaction of the consent authority.

NOTE:

1. Notwithstanding the approved plans, any proposed works (including landscaping) within Council's road reserve is subject to Council's approval and shall meet all Council's requirements to the satisfaction of the General Manager of Infrastructure, City of Darwin and at no cost to Council.

REASONS FOR THE DECISION

1. The proposed development is consistent with the purpose of Zone MD (Multiple Dwelling Residential) which is to 'provide for a range of housing options to a maximum height of two storeys above ground level'.
2. City of Darwin advises it is the sole authority responsible under the Local Government Act and associated by-laws for stormwater drainage and as such has requested details of the collection and discharge of stormwater run-off created by the proposed development.

ACTION: Notice of Consent and Development Permit

ITEM 8 **48 MOTEL SUITES AND A RESTAURANT IN A 4 STOREY BUILDING**
PA2012/0954 **(INCLUDING THE EXISTING BUILDING) WITH GROUND LEVEL CAR PARKING**
APPLICANT **LOT 4361 (95) WOODS STREET, TOWN OF DARWIN**
VILLIS ARCHITECTS PTY LTD

DAS tabled an addendum – revised plans and a traffic report

Mr Peter Willis (Willis Architects) attended.

RESOLVED
12/13

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 4361 (95) Woods Street, Town of Darwin for the purpose of 48 motel suites and a restaurant in a 4 storey building (including the existing building) with ground level parking, 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:

- Reconsideration of the development's design with a view to increasing compliance with applicable clauses of the NT Planning Scheme. Further justification for any continued non-compliances should also be provided, presented in the context of subclause 6.3.3(7) of the Planning Scheme.
- Any amendments to the application that arise as a result of the above information request.
- A comprehensive Traffic Impact Assessment report to the requirements of the City of Darwin. The report should also assess the need to retain the two crossovers to the site and the porte-cochere arrangement, as well as any continued inconsistencies and non-compliances with Clause 6.5.3 (Parking Layout) of the NT Planning Scheme.
- Amended plans including the intended locations of service installations such as the fire booster, water meter and electricity distribution pillar or substation, with a view to minimising their impact on the Woods Street frontage, to the requirements of the relevant service authorities.

REASONS FOR THE DECISION

1. Reconsideration of the development's design and justification for any areas of continued non-compliance is required due to the proposal's non-compliance with applicable clauses of the Northern Territory Planning Scheme and inconsistencies with the Design Guidance to Achieve Active Frontages and Provide for Services guidelines, as contained in Schedule 3.
2. As the authority responsible for the care and control of Woods Street and the surrounding road network, the City of Darwin has requested a comprehensive Traffic Impact Assessment report be prepared in accordance with the Austroads Guide to Traffic Management Part 12: Traffic Impacts of Developments. Non-compliances and inconsistencies with clauses of the NT Planning Scheme relevant to on-site vehicle circulation, car park dimensions and active frontages in the Darwin CBD warrant the inclusion of an assessment of the proposed car park layout and the need to retain the two existing crossovers to the site.
3. Subclause 6.3.3(9) of the NT Planning Scheme requires acknowledgement from service authorities confirming that the servicing of the site has been discussed with a view to minimising the impact on the active street frontage of the development. Such acknowledgement should be provided prior to consideration of the application by the consent authority. Amended plans including service infrastructure installations are required to ensure that the design takes into account the servicing of the site while minimising the impact on the public realm.

ACTION: Advice to Applicant

ITEM 9
PA2012/0835

**221 X 1 AND 104 X 2 BEDROOM MULTIPLE DWELLINGS, OFFICES,
RESTAURANTS AND SHOPS IN A 17 STOREY BUILDING COMPRISING 2
TOWERS PLUS 2 LEVELS OF BASEMENT/ UNDERCROFT CAR PARKING AND
LOADING BAYS AND CAR PARKING AT LEVELS 1, 2 & 3, IN 3 STAGES
LOT 1666 (33) DALY STREET, TOWN OF DARWIN**

APPLICANT

VILLIS GROUP SERVICES

Mr Peter Villis (Villis Group Services) attended.

RESOLVED
13/13

That, the Development Consent Authority vary the requirements of clause 6.3 (Buildings in Central Darwin), clause 6.5.1 (Parking Requirements), clause 6.5.3 (Parking Layout) and clause 7.5 (Private Open Space) of the NT Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 1666 (33) Daly Street, Town of Darwin for the purpose of 221 x 1 and 104 x 2 bedroom multiple dwellings, offices/ restaurants/ shops in a 17 storey building comprising 2 towers plus 2 levels of basement/ undercroft car parking & loading bays, and car parking at levels 1, 2 & 3, in 3 stages, subject to the following conditions:

CONDITIONS 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) a staging plan for the 3 stages clearly indicating the works to be completed within each stage;
 - (b) re-allocation of 7 bays from residential use to shop/ office/ restaurant use;
 - (c) deletion of reference to the 'food court' from within the gallery/ mall;
 - (d) fences/ barriers along the north-east side of the balcony private open space areas at podium level clearly shown as being not less than 6m from the site's north-east property boundary; and
 - (e) the commercial tenancies nominated as shop/ office/ restaurant to enable ease of interchangeability between these uses.

2. Prior to the commencement of works (including site preparation) an Operational Management Plan for the gallery/ mall area to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must include, but not necessarily be limited to, the following:
 - (a) concept drawings showing the location(s) and extent of:
 - i. artistic expression works within the mall, including means by which the individual tenancies will integrate with those works;
 - ii. artistic expression works within the alfresco area;
 - iii. seating, planter boxes/ landscaping, and entrance features;
 - (b) specific details in respect to the operation of the gallery/ mall area as outlined in the statement dated 5 December 2012;
 - (c) details which specify that fees will not be charged to the public for access to the area at any time; and
 - (d) day to day management details in respect to, amongst other things, access hours, security, and cleaning/ maintenance schedules.

3. Prior to endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a schematic plan demonstrating all stormwater to be collected on the site and discharged underground to Council's stormwater drainage system, to the requirements of City of Darwin, to the satisfaction of the consent authority.

4. Before Prior to endorsement of plans and prior to the commencement of works (including site preparation), a waste management plan addressing the City of Darwin's Waste Management Policy 054 must be prepared to the requirements of the City of Darwin, to the satisfaction of the consent authority.

5. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a Traffic Impact Assessment report prepared in accordance with the Austroads document 'Guide to Traffic Management Part 12: Traffic Impacts of Developments' in the report structure provided at Appendix C of that document, with particular attention to vehicular, pedestrian, cyclist and public transport issues and opportunities. The report is to be to the approval of the City of Darwin and Road Network Division of the Department of Transport, to the satisfaction of the consent authority.
6. Prior to endorsement of plans and prior to the commencement of works (including site preparation), a Traffic Management Plan (TMP) must be provided to the consent authority addressing, but not necessarily limited to, how the development will manage the free flow of public transport past the site during the construction period, as required by the Public Transport Division of the Department of Transport, to the satisfaction of the consent authority.
7. Prior to endorsement of the plans and prior to the commencement of works (including site preparation), the applicant is to obtain approval/agreements from Power & Water Corporation regarding:
 - (a) sewer servicing and any associated required works including diversion of upstream and downstream network assets and, if required, extinguishment of the sewer easement within Lot 1666;
 - (b) the location of the proposed water service/s and meter manifold/s; and
 - (c) any decks and canopies within the road reserve which may have an impact on existing Power and Water infrastructure in the road reserve and which may need to be mitigated by the developer, including the possibility of realignment of mains.
8. Prior to endorsement of the plans and prior to the commencement of works (including site preparation), the applicant must:
 - (a) prepare a plan to undertake a Preliminary Site Investigation consistent with Section 2 of the Environmental Operations Unit of the Department of Lands, Planning and the Environment's document titled Guidelines for Consultants Reporting on Environmental Issues, to determine if the site is suitable for the proposed end use; and
 - (b) any further assessment dependant on the finding of the preliminary site investigation.

The Preliminary Site Investigation Plan, and any other assessments, are to be to the requirements of the Environmental Operations Unit of the Department of Lands, Planning and the Environment, to the satisfaction of the consent authority.

GENERAL CONDITIONS

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

10. Before the use/ occupation of the development starts, all works identified within the Traffic Impact Assessment and any other works as required by City of Darwin and the Department of Transport are to be undertaken to the requirements of, and at no cost to, City of Darwin City Council and/ or the Department of Transport as the case may be, to the satisfaction of the consent authority.
11. Before the use of Stage 3 commences, the owner must, in accordance with section 70(3) of the *Planning Act* provide 572 parking bays. In accordance with section 70(5) of the Act, 5 of the required parking bays may be provided through the payment of a monetary contribution to the City of Darwin. The contribution is to be calculated in accordance with the requirements of section 70(6) of the Act.
12. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage, electricity facilities, and telecommunication networks to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
13. 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.
14. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of City of Darwin, to the satisfaction of the consent authority.
15. 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 City of Darwin to the satisfaction of the consent authority.
16. 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.

17. 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.
18. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
19. 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.
20. 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.
21. Soil erosion and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
22. 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.
23. Prior to the issuance of an Occupancy Permit under the *Building Act*, an energy efficiency report is to be submitted to the Development Consent Authority for approval. This report is to be prepared by a suitably qualified professional and is to demonstrate that the development will exceed the minimum energy efficiency requirements imposed by the Building Code of Australia for the Northern Territory for an average of the residential units, to the satisfaction of the consent authority.
24. 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.
25. Storage and collection 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. 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.

3. The developer is required to contact 'Dial Before You Dig' on 1100 to obtain a location of the Telstra Network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.
4. Notwithstanding the approved plans, any works within Council's road reserve is subject to Council's approval and shall meet all Council's requirements to the satisfaction of the General Manager or Infrastructure, City of Darwin and at no cost to Council.
5. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to Council.
6. The Department of Lands, Planning and the Environment's 'Environment Protection Agency' advises that construction work should be conducted in accordance with the Department's Noise guidelines for development sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
7. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the Building Code of Australia, the NT Public Health Act and Regulations, the NT Food Act and National Safety Standards.
8. Should the development be unit titled, each 2 car spaces in tandem will be required to be within a unit title for a 2 bedroom remain under a single unit title.

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, retail and other business activities, with a commitment to the separation of incompatible activities.
2. Variations to clause 6.3 (Buildings in Central Darwin) are on the basis that:
 - in respect to clause 6.3.1 (Building Heights in Central Darwin) for publicly accessible open space less than 15% of site area, the gallery/ mall is considered capable of achieving a high quality outcome in the provision of publicly accessible open space, and therefore achieving the purpose of Part 3(b) in providing amenity for adjacent street and is attractive, interesting, comfortable safe and functional for pedestrians;

- in respect to clause 6.3.2 (Volumetric Control in Central Darwin) for: a Tower 2 floor plate area in excess of 1200 m²; for setbacks less than 6m from the front property boundaries; for a separation distance of less than 12m between towers; and for building lengths greater than 75% of adjacent property boundaries, are addressed by the overall design of the building, its response to the shape of the land, and the site's location, and considered to satisfy the purpose of the clause by enabling potential views, and the penetration of breezes and sunlight between buildings on the site and to surrounding sites.
 - In respect to clause 6.3.3 (Urban Design Requirements in Central Darwin) for: less than 75% active interface and provision of more than 1 vehicle access; and less than full provision of awning along the entire street frontages, are somewhat impractical in this instance due to need for loading bay facilities and commercial car parking, with Cashman Street being the most appropriate location for these facilities due to the slope of the land and the least interaction with more sensitive nearby residential land uses.
3. A variation to the on-site provision of parking spaces required under clause 6.5.1 (Parking Requirements) of the Northern Territory Planning Scheme is supported as a payment in lieu to the City of Darwin for 5 car spaces associated with the commercial component will ensure that parking will be made available in the locality in the long term, and as the provision of parking for commercial uses in a publicly accessible centralised pool promotes land use efficiency and improves availability of parking to the full community.
 4. Variations to clause 6.5.3 (Parking Layout) of the NT Planning Scheme are on the basis that:
 - the car park has been designed in accordance with the relevant Australian Standard (as confirmed by an engineer's statement) and will therefore achieve the purpose of the clause which is to 'ensure that a car parking area is appropriately designed, constructed and maintained for its intended purpose'; and
 - the 10 x 2 tandem bays are to be allocated to 10 x 2 bedroom dwellings, and represent a minor 2.6% of overall car parking spaces for the residential component.
 5. A variation to Clause 7.5 (Private Open Space) is on the basis that the overall area provided compensates for the small non-compliance to the minimum dimension.
 6. The requirement for amended plans at Condition 1 of this permit will ensure:
 - the development is constructed and completed in accordance with the intended stages;
 - appropriate provision of car parking for the residential and commercial components of the development;

- the gallery/ mall is used for its intended purpose as publicly accessible space without any restrictive commercial use;
 - in the case of part (d), compliance with the mandatory requirement of clause 6.3.2 (Volumetric Control in Central Darwin) of the NT Planning Scheme; and
 - ease of interchangeability between the commercial (shop/ office/ restaurant) uses as envisaged by clause 8.1.2 (Offices, Restaurants and Shops in Zones CB & C) of the NT Planning Scheme.
7. The requirement for an Operational Management Plan for the gallery/ mall area is to ensure the design and operation of this area achieves the purpose of part 3(b) of clause 6.3.1 (Building Heights in Central Darwin) which requires provision of publicly accessible open space that provides amenity for adjacent streets and is attractive, interesting,, comfortable, safe and functional for pedestrians.
 8. The requirement for a Preliminary Site Investigation Plan, as advised by Environmental Operations Unit of the Department of Lands, Planning and the Environment is considered necessary due to previous use of the site, and to ensure the land is suitable for the intended uses.
 9. City of Darwin advises it is the sole authority responsible under the Local Government Act and associated by-laws for stormwater drainage and as such has requested details of the collection and discharge of stormwater run-off created by the proposed development.

ACTION: Notice of Consent and Development Permit

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



DAVID HIBBERT
Delegate

23/1/13

