



**DEVELOPMENT CONSENT AUTHORITY**

**DARWIN DIVISION**

**MINUTES**

**MEETING No. 190 – FRIDAY 8 JUNE 2012**

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

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

**APOLOGIES:** Nil

**OFFICERS PRESENT:** Danna Scoot (A/Secretary), Hanna Stevenson, and for part of the meeting Michael O'Neill, Israel Kgosiemang, Anthony Brennan, Peter Sdraulig and Steven Conn (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Nil

**Meeting opened at 10.30 am and closed at 3.10 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 LEISURE AND RECREATION FACILITY (24 HOUR GYMNASIUM)  
PA2012/0237 LOT 5958 (40) STUART HWY, TOWN OF DARWIN  
APPLICANT COMMUNICATIONS PLANNING PTY LTD

Applicant Jarrad Sheather (Communications Planning Pty Ltd) did not attend.

Land owner Mr Vic Ciuffeteli attended.

Submitter Mr Tony Finocchiaro (Gaymark) attended.

**RESOLVED  
124/12**

That the Development Consent Authority vary the requirements of clause 6.5.1 (Parking Requirements), as permitted through clause 6.5.2 (Reduction in Parking Requirements), of the Northern Territory Planning Scheme, and pursuant to Section 53(b) of the *Planning Act*, alter the application and consent to the application as altered to use and develop Lot 5958 (40) Stuart Highway, Town of Darwin for the purpose of the change of use to a leisure and recreation facility (24-hour gymnasium), subject to the following conditions:

#### **GENERAL CONDITIONS**

1. Prior to the endorsement of plans and 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 appropriate bicycle parking facilities contained within the subject site that does not impact on car parking or circulation.
2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. The use and/ or development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
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 owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities, and electricity to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

6. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.
7. Structured classes are not to take place on the site without the further approval of the consent authority.

#### **NOTES**

1. The City of Darwin 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.
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.
3. It is advised that any works within the Stuart Highway road reserve will require a 'permit to work within a road reserve' from the Manager Road Operations, Road Projects Division, Department of Construction and Infrastructure.

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

1. The proposal accords with the primary purpose of Zone SC (Service Commercial), being "to provide for commercial activities, which because of the nature of their business or size of the population catchment, require large sites", with 'leisure and recreation' being a listed consent activity in the zone.
2. A reduction of 23.41 car parking spaces (from 39.41 to 16) is supported as:
  - There are two bus stops within walking distance of the site, one for those commuting to the Darwin CBD and one northbound. This is a convenient form of access to the site, especially for those working in the CBD.
  - Evidence in relation to existing 24-hour gymnasiums shows a peak hourly use rate of between 13 and 14 persons, both in regional locations and with floor areas comparable to that of the subject application.
  - The normal usage times of the gym are outside regular operating hours of the surrounding commercial premises, meaning that there should be no conflict with the other uses in the locality that currently take advantage of the availability of the commonly accessible parking spaces in the central portion of the Stuart Highway.
  - The gym does not incorporate classes or other activities that typically see significant peaks in attendance.

- Using the rate given for gymnasiums in the RTA 'Guide to traffic generating developments' the site would see a shortfall of 6.64 car parking spaces only, a shortfall that can easily be accommodated by the availability of on-street parking in the vicinity.
- The gym only has low staff numbers, meaning that there is very little consistent burden on facilities in the area.

**ACTION:** Notice of Determination.

**ITEM 2**  
**PA2012/0274**  
**APPLICANT**

**CHANGE OF USE TO LEISURE AND RECREATION (24 HOUR GYMNASIUM)**  
**(UNIT 23B)**  
**LOT 9308 (54) BRADSHAW TERRACE, TOWN OF NIGHTCLIFF**  
**TOWN PLANNING ALLIANCE**

Applicant Mr Yu Nguyen (Town Planning Alliance) did not attend.

Mr Brad Cunningham (Masterplan) on behalf of submitters attended.  
Submitter Mr Garred West (Mad Bean Pty Ltd) attended.

**RESOLVED**  
**125/12**

That, pursuant to section 46(4)(b) of the Planning Act, the Development Consent Authority defer consideration of the application to use and develop Lot 9308 (54) Bradshaw Terrace, Town of Nightcliff for the purpose of a change of use to leisure and recreation (24-hour gymnasium) (Unit 23B), pending submission of the following additional information considered necessary to enable its proper consideration:

**CONDITIONS**

1. Information regarding expected useage levels of the 24 hour gymnasium, with evidence such as data on membership numbers or average attendances for similar gyms. A traffic or parking study may also be provided to show current levels of patronage for the car parking area on the subject site and surrounding premises, or expected impacts of the proposed use on the surrounding road network.
2. Appropriate shower and toilet facilities within the proposed tenancy.
3. Information regarding the existing or proposed bicycle facilities for the site.
4. Details on the impact of the ramp on existing car parking spaces.
5. Details with regard to how access to Unit 23B will be provided on a 24 hour basis.
6. A plan clearly identifying the precise bounds of the subject tenancy on Lot 9308, Town of Nightcliff.
7. Coordinated plans and written material clarifying the use of the site for organised gym classes.

## REASONS FOR THE DECISION

1. Evidence must be provided that specifically links the expected usage levels of the proposed gym with the car parking that is available in the surrounding area.
2. Details about shower and toilet facilities are required to ensure that adequate facilities are provided for the use.
3. Details regarding existing or proposed bicycle facilities are required to assess elements of Clause 8.2 Commercial and Other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD AND T of the NT Planning Scheme.
4. The ramp shown on the floor plan would appear, from site inspections, to necessitate the removal of at least one car parking space. The applicant needs to confirm whether this is the case, and the suitability of the subsequent amount of car parking that will exist over Lot 9308, Town of Nightcliff.
5. Unit 23B is presently accessed via a common mall/ lobby area, which is closed outside of regular operating hours. As a key component of the proposed use is its 24 hour nature, details must be provided on how this is to be made possible and accessible for staff and members.
6. The site plan submitted with the application does not clearly identify the precise bounds of the subject tenancy on Lot 9308, Town of Nightcliff. This is considered necessary as a key element of a planning assessment and determination is the use in relation to a specific portion of land. It is necessary to be able to accurately identify the subject tenancy for proper documentation of any approvals granted, which will also assist with future assessments on Lot 9308.
7. Clarification of organised classes is required as details submitted to date conflict in regard to this matter. Accurate details are required to assess car parking generation.

**ACTION:** Advice to Applicant / Defer

**ITEM 3**                      **SUBDIVISION TO CREATE 2 LOTS**  
**PA2012/0278**            **LOT 8708 (33) FRESHWATER ROAD, TOWN OF NIGHTCLIFF**  
**APPLICANT**            **EARL JAMES & ASSOCIATES**

Applicant Mr Kevin Dodd (Earl James & Associates) attended.

**RESOLVED**            That, pursuant to section 53(a) of the Planning Act, the Development Consent  
**126/12**                    Authority consent to the application to develop Lot 87085 (33) Freshwater Road,  
Town of Nightcliff for the purpose of subdivision to create 2 lots, subject to the  
following conditions:

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**These minutes record persons in attendance at the meeting and the resolutions of the  
Development Consent Authority on applications before it.  
Reliance on these minutes should be limited to exclude uses of an evidentiary nature.**

## CONDITIONS

1. The works carried out under this permit shall be in accordance with drawing number 2012/0278/1 endorsed as forming part of this permit.
2. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
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 lots shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. 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.
5. Before the issue of titles, firebreaks along boundaries or at appropriate locations shall be provided to the satisfaction of the consent authority on advice from Northern Territory Fire and Rescue Services.
6. Soil erosion 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 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 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.
3. 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.
4. Power and Water Corporation advise that specific requirements with regard to provision and protection of supply of power to Lot B will be required.

**REASON FOR THE RECOMMENDATION**

1. The proposal is consistent with the primary purpose of Zone SD11 (Specific Use Darwin No. 11) of the Northern Territory Planning Scheme which is to facilitate the use and development of the land for a range of uses consistent with the non-urban character and amenity of the area so zoned.

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

**ITEM 5  
PA2012/0228**

**ALTERATIONS AND ADDITIONS TO AN EXISTING CASINO (BAR AND GAMING ROOM)**

**LOT 5244 (1) CASINO DRIVE, TOWN OF DARWIN**

**APPLICANT**

**WEBB PLUS ARCHITECTS**

Applicant Mr Matt Sullivan (Webb Plus Architects) sent his apology.

**RESOLVED  
127/12**

That, pursuant to section 53(a) of the Planning Act, the Development Consent Authority consent to the application to develop Lot 5244 (1) Casino Drive, Town of Darwin for the purpose of alterations and additions to an existing casino (bar and gaming room), 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 2012/0228/1 through 2012/0228/5 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, drainage, sewerage facilities, and electricity to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
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. 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.

## NOTES

1. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to Council.
2. It is recommended that the permit holder obtain an Aboriginal Areas Protection Authority (AAPA) Authority Certificate to indemnify against prosecution under the Aboriginal Sacred Sites Act. For advice on how to obtain a certificate please contact the AAPA.

### REASONS FOR THE RECOMMENDATION

1. The proposal is consistent with the purpose of Zone TC (Tourist Commercial) which is to provide for uses or development servicing tourism including commercial and residential activities.
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 have requested details of the collection and discharge of stormwater for this proposal.

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

**ITEM 6  
PA2012/0269  
APPLICANT**

**INSTALLATION OF FLOODLIGHTING (18M IN HEIGHT)  
LOT 8640 (49) LAKESIDE DRIVE, TOWN OF NIGHTCLIFF  
LIGHTNING ELECTRICAL SERVICES NT PTY LTD**

Applicant Mr Scott Jenkins and Mr Terry Dent (Lightning Electrical Services NT Pty Ltd) attended.

Mr Tom Lacey (Charles Darwin University) attended.

**RESOLVED  
128/12**

That, the Development Consent Authority vary the requirements of Clause 6.1 (General Height Control of the Northern Territory Planning Scheme and pursuant to section 53(a) of the *Planning Act* consent to the application to develop Lot 8640 (49) Lakeside Drive, Town of Nightcliff for the purpose of installation of floodlighting (18m in height), subject to the following conditions:

### GENERAL CONDITIONS

1. Works carried out under this permit shall be in accordance with drawing number 2012/0269/1, 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 and electricity services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.



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. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the consent authority.
5. The flood lighting may operate only between the hours of 7:00am and 9:00pm each day.
6. Prior to the commencement of use of the lighting a legible copy of the 'as constructed' documents shall be provided to the City of Darwin.

#### 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. Department of Defence advised that the subject development is situated within 6km of RAAF Base Darwin and therefore any floodlights being constructed must be designed in accordance with the "Zone D" requirements outlined within the Civil Aviation Safety Authority (CASA) Manual of Standards 139 section 9.21 '*Lighting in the Vicinity of Aerodromes*'. Failure to comply may result in Defence or CASA requiring that the lights be extinguished or suitably modified.

#### REASONS FOR THE DECISION

1. The proposed development is seen to be generally in accordance with the general purpose of Zone PS (Public Open Space) which is "to provide public areas for recreational activity". The subject development is seen to uphold this purpose as it is for the installation of lighting to facilitate the use of the site in the evenings.
2. A variation to Clause 6.1 (General Height Control) is supported as it is expected that the nature of Zone PS is conducive to the installation of flood lighting; additionally the buffer between the development area and the adjacent Zone SD is seen to soften the impact of the lighting towers and the effect of the development on the existing and future amenity of the locality.

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

ITEM 7  
PA2012/0097

**34 X 1 AND 5 X 2 BEDROOM MULTIPLE DWELLINGS  
IN 39 SINGLE STOREY BUILDINGS IN TWO STAGES  
SECTION 5694 (41) BOULTER ROAD, HUNDRED OF BAGOT  
APPLICANT JOHN & LINDA TANNOS AS TRUSTEE FOR LJ SUPERANNUATION FUND**

Applicant Mr John and Ms Linda Tannos attended.  
Mr Jack Devries (contact) attended.

Submitter Mr Henning Olsen attended.  
Submitter Mr Peter and Ms Rachel Hoschke attended.

**RESOLVED  
129/12**

That the Development Consent Authority determine, pursuant to section 53(a) of the Planning Act, to consent to the application to develop Section 5694 (41) Boulter Road, Hundred of Bagot for the purpose of 34 x 1 bedroom and 5 x 2 bedroom multiple dwellings in 39 single storey buildings, to be constructed in three stages, for a period of 12 years, subject to the following conditions:

**CONDITIONS PRECEDENT**

1. Prior to commencement of works (including site preparation) and prior to the endorsement of plans, the applicant is to prepare a schematic plan demonstrating all stormwater can be collected on the site and discharged to Council's stormwater drainage system, to the requirements of City of Darwin, to the satisfaction of the consent authority.
2. Prior to commencement of works (including site preparation) and prior to the endorsement of plans, the applicant is to prepare a landscaping plan for the site generally that includes specific details for the area fronting Boulter Road and the park at the northern end of the internal roadway. This is to include a planting schedule specifying plant species, quantities, pot sizes and size at maturity for all plants to be provided on site, and is to provide shade and be largely comprised of native vegetation, as per subclause 4(c) of the Berrimah North Planning Principles. This plan is to be to the satisfaction of the consent authority and is to be endorsed by this permit.
3. Prior to the endorsement of plans and 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:
  - a) future legal and physical access through the subject site to the road reserve area at the rear of the site to the requirements of Land Administration Division of the Department of Lands and Planning;
  - b) A minimum of a 6m setback to Boulter Road;
  - c) A minimum of a 6m setback to the proposed road reserve along the rear property boundary; and
  - d) Clear delineation of the staging of the development.

4. Prior to commencement of works (including site preparation) and prior to the endorsement of plans, a contaminated site assessment shall be prepared to the satisfaction of the Department of Natural Resources, Environment, the Arts and Sport (NRETAS) confirming that the site is suitable for the proposed use, to the satisfaction of the consent authority.

#### **GENERAL CONDITIONS**

5. Works carried out under this permit shall be in accordance the plans endorsed as forming part of this permit.
6. Prior to commencement of use, 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 and to the satisfaction of the consent authority.
7. Before the use commences the developer/ owner must pay a monetary contribution in accordance with the City of Darwin's Berrimah North Contribution Plan, to assist in upgrading infrastructure in the area, to the satisfaction of the consent authority.
8. The approved use will cease 12 years from the date on which the development permit is signed, and any further use of the site for the purposes of a multiple dwelling development will require additional development consent. All buildings are to be removed by the date 12 years from the signing of this permit.
9. An Occupancy Permit under the Building Act must not be issued or occupation of the development commence until Section 5694, Hundred of Bagot has been subdivided to create a new parcel for the proposed road reserve and this has been reverted to Crown Land under the management of Administration Division of the Department of Lands and Planning.
10. 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.
11. 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.
12. 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.
13. 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 the City of Darwin, to the satisfaction of the consent authority.

14. 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, and to the satisfaction of the consent authority.

15. 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.

16. 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.
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. All air-conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed to ground level in a controlled manner to the satisfaction of the consent authority.
20. All balconies are to be internally drained and discharge is to be disposed of at ground level and in a manner consistent with stormwater disposal arrangements for the site to the satisfaction of the consent authority.
21. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.
22. Any lighting installed as part of the development is to consider section 9.21 'Lighting in the Vicinity of Aerodromes' of the CASA Manual of Standards Part

139, available at:

<http://www.casa.gov.au/wcmswr/assets/main/rules/1998casr/139/139mfull.pdf>.

## 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/>, and is to register the development with NBN Co at <http://www.nbnco.com.au/getting-connected/new-developments.html>.
2. 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.
3. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and the Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto: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.
4. The City of Darwin advises that, notwithstanding the approved plans, any proposed awnings, footpaths and landscaping works within Council's road reserve are subject to approval from the City of Darwin, and shall be undertaken at no cost to Council.
5. The Department of Natural Resources, Environment, The Arts and Sport (NRETAS) advises that construction work should be conducted in accordance with the NRETAS Noise guidelines for development sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

## REASONS FOR THE DECISION

1. The proposal to develop the site for the purpose of 39 multiple dwellings 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 above ground level".
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 detailed landscaping plan for the frontage to Boulter Road and the common use park is required to ensure that the impact on the surrounding lots and on the street is acceptable, and that the park at the northern end of the site is

appropriately landscaped for the site. The requirement for the landscaping to provide a shade benefit and be largely comprised of native vegetation will ensure that it is of an amenity benefit to tenants and be suitable to the area, and be in accordance with subclause 4(c) of the Berrimah North Planning Principles.

4. Amended plans showing future legal and physical access to the road reserve area is required to ensure this can be accommodated by the development as part of the required future subdivision.
5. A contamination report will ensure that the land is capable and suitable for the use, and that any contamination that may have occurred from previous uses will not adversely impact on the development, as per section 51(j) of the Planning Act.
6. A road reserve is to be vested to the proper authority to ensure that development of the Berrimah North area can proceed in line with the intentions of clause 14.1.2 (Berrimah North Planning Principles), and subclause 3 in particular, which seeks a connected street network.
7. A 12 year limitation is placed on the permit to ensure that the area is able to develop according to the Berrimah North Planning Principles given in clause 14.1.2 of the Northern Territory Planning Scheme, with particular consideration being given to the future ability of the area to provide a "robust and legible shared use street grid that connects with the adjacent street network, pedestrian and cycle routes".
8. The proposed development is deemed compliant with the relevant controls, and is appropriate for the site, surrounding locality and the zoning. Consideration has been given to the streetscape and existing developments in the locality and the purpose of the Berrimah North Area Plan.

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

**ITEM 8  
PA2012/0246  
APPLICANT**

**CHANGE OF USE TO RESTAURANT  
LOT 6524 (200) GARDENS ROAD, TOWN OF DARWIN  
SUSAN WILLS**

Applicant Ms Susan Wills (NRETAS) attended.

Mr Hugo Leschen, Mr Digby Whyte and Mr Michael Wells (NRETAS) attended.

Ms Fiona Douglas (Botanic Gardens) attended

Mr John Harrisons and Chris Grumelart (DCI) attended.

**RESOLVED  
130/12**

That, the Development Consent Authority pursuant to section 53(a) of the Planning Act, consent to the application to develop Lot 6524 (200) Gardens Road, Town of Darwin for the purpose of a change of use to restaurant, subject to the following conditions:

## CONDITION PRECEDENT

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

## GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings number 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 services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time
5. Prior to commencement of use, a Waste Management Plan addressing City of Darwin's Waste Management Policy 054 must be prepared to the requirements of City of Darwin and 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](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto: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 the City of Darwin road reserve are subject to Council approval and shall meet all Council requirements to the satisfaction of the Director of Technical Services, City of Darwin and at no cost to Council.
3. The development and use hereby permitted must 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, National Food Safety Standards.

## REASONS FOR THE DECISION

1. The proposed development is consistent with the primary purpose of Zone PS (Public Open Space) to provide public areas for recreational activity.
2. The development is for public use and enjoyment consistent with the recreational opportunities of the land.
3. Condition 1 is included in order to ensure that access for persons with disabilities is available at all times.
4. All proposed work within the building is fully reversible, allowing the flexibility of the building to be returned to its initial state.

**ACTION:** Notice of Determination.

**ITEM 9**                    **ADDITIONS AND EXTENSIONS TO AN EXISTING HOSTEL, HOTEL AND**  
**PA2012/0217**           **RESTAURANT**  
**LOT 3751 (48) MITCHELL STREET, TOWN OF DARWIN**  
**APPLICANT**           **AFS REALTY & BUSINESS BROKERS PTY LTD**

Applicant Ms Pamela Martin (AFS Realty & Business Brokers Pty Ltd) attended.  
Mr Todd McCourt attended.  
Mr Matt McCourt attended.

**RESOLVED**  
**131/12**

That, pursuant to section 46(4)(b) of the Planning Act, the Development Consent Authority defer consideration of the application to develop Lot 3751 (48) Mitchell Street, Town of Darwin for the purpose of additions and extensions to an existing hostel, hotel and restaurant, 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:

### CONDITIONS

1. Advice from a traffic engineer regarding the likely number of trips generated by the proposed additions, to better inform the assessment of additional car parking required, to allow for a full assessment of the proposal against Clause 6.5.2 (Reduction in Parking Requirements).
2. Advice from a suitably experienced and qualified person regarding the details of the acoustic treatment (including necessity of the proposed boundary wall) of the building to decrease noise from the proposed first floor hotel (acknowledging that the intensity of the use may change) and air conditioning plant. The treatments should ensure sufficient noise attenuation to a level at which it would be unlikely to have an adverse impact on guests of the existing hostel/hotel on the subject site, the hotel/motel on adjacent Lot 6534 and the area in general. Such details should include amended plans incorporating the acoustical building treatments.



3. Amended plans demonstrating suitable screening or treatment of two of the first floor hostel/hotel room windows to avoid instances of overlooking from the proposed first floor balcony.
4. Additional plans showing how the proposed additions would relate to the existing Value Inn on adjacent Lot 6534, and confirmation of whether or not any of the existing palm trees within the Value Inn site would need to be removed to allow the construction of the additions.

### **REASONS FOR THE DECISION**

1. Under Clause 6.5.2 (Reduction in Parking Requirements) of the NT Planning Scheme, the Authority may approve a development with fewer car parking spaces than required if it is satisfied that a reduction is appropriate, having considered various matters such as the proposed land use, the nature and zoning of the surrounding area and the availability of public transport. Advice from a traffic engineer of the likely number of trips generated by the proposed additions would better inform the assessment of additional car parking required, and would allow for a full assessment of the proposal against Clause 6.5.2.
2. The separation of incompatible activities, the control of on-site noise sources and potential impacts on the amenity of the area are matters that require consideration under Clauses 5.7 (Zone CB – Central Business) and 8.2 (Commercial and other Development in Zones...CB...) of the NT Planning Scheme and section 51(n) of the Planning Act.
3. Under Clause 7.8 (Building Design for Multiple Dwellings, Hostels and Supporting Accommodation) of the NT Planning Scheme, building design of Hostels should avoid overlooking of private open spaces and habitable rooms of adjacent residences on the same and adjacent sites. The proposed first floor balcony may facilitate overlooking of two of the existing rooms on the first floor of the hostel/hotel on site.
4. Under Clause 8.2 (Commercial and other Development in Zones...CB...) of the NT Planning Scheme, design of buildings in Zone CB should be sympathetic to the character of buildings in the immediate vicinity. In the context of this site a 24m long x 8 metre high blank wall along a significant length of the side boundary may not be a suitable outcome. The additional plans requested regarding the context of the site and how the proposed additions relate to the adjacent Value Inn would allow a more informed assessment of the wall's potential impacts.

**ACTION:** Advice to Applicant / Defer.

**ITEM 10**  
**PA2012/0287**

**GARAGE AND STOREROOM ADDITION TO AN EXISTING SINGLE DWELLING  
WITH A REDUCED SIDE SETBACK  
LOT 5764 (47) HOTHAM COURT, TOWN OF SANDERSON  
KENG FEI CHOW**

**APPLICANT**

Applicant Mr Keng Fei Chow attended.

Submitters Mr Paul and Ms Nicole Rider attended.

**RESOLVED**  
**132/12**

That, pursuant to section 53(c) of the Planning Act, the Development Consent Authority refuses consent to the application to develop Lot 5764 (47) Hotham Court, Town of Sanderson for the purpose of Garage and storeroom additions to an existing single dwelling with a reduced side setback.

**REASONS FOR THE DECISION**

1. The proposal does not achieve the objective of clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme which is to 'ensure residential buildings and structures without external walls are located so:
  - they are compatible with the streetscape and surrounding development, including residential buildings on the same site;
  - as to minimise any adverse effects of building massing when viewed from adjoining land and the street;
  - as to avoid undue overlooking of adjoining properties; and
  - as to encourage breeze penetration through and between buildings.

The proposed building's significantly reduced side setback is incompatible with the surrounding development as it is set close to an existing abutting building which will result in a significant building massing impacts and adversely impact on the visual amenity of the immediate area. Breeze penetration in the area will also be compromised.

2. The nearby surrounding area currently contains at least 3 examples of dwellings with side setback encroachments. While some parts of these dwellings are close to the side boundary, the impact to the streetscape of these dwellings is less given that the developments on their neighbouring properties are adequately setback from the shared and affected boundaries. It is apparent that the proposal, with garage to within 300m setback of the side boundary, will result in a more significant detrimental effect on the streetscape and amenity of the immediate and surrounding area.

3. In accordance with cause 2.5 (Exercise of Discretion by the Consent Authority) of the NT Planning Scheme, 'the consent authority may consent to the development of the land that does not meet the standard set out in Parts 4 or 5 only if it is satisfied that special circumstances justify the giving of consent'. No special circumstance for the side setback encroachment has been identified by the consent authority which merits the granting of consent by the authority.

**ACTION:** Notice of Refusal.

**ITEM 11**                    **10 X 2 BEDROOM MULTIPLE DWELLINGS IN A 4 STOREY BUILDING WITH**  
**PA2012/0242**            **GROUND LEVEL CARPARKING**  
**APPLICANT**            **LOT 6084 (77) SABINE ROAD, TOWN OF NIGHTCLIFF**  
**SAVVAS P SAVVAS ARCHITECT**

Applicant Mr Savvas Savvas (Savvas P Savvas Architect) attended.

**RESOLVED**  
**133/12**

That, the Development Consent Authority vary the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application to develop Lot 6084 (77) Sabine Road, Town of Nightcliff for the purpose of 10 x 2 bedroom multiple dwellings in a 4 storey building including ground level car parking, 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 2012/0242/1 through 2012/0242/7 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, 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. 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.
6. 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.
7. 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.
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. Soil erosion and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
12. All balconies are to be internally drained and discharge is to be disposed of at ground level and in a manner consistent with stormwater disposal arrangements for the site to the satisfaction of the consent authority.

13. 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.
14. 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.

## 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 developer is required to contact 'Dial Before You Dig' on 1 100 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.
3. 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.
4. The Department of Natural Resources, Environment, The Arts and Sport (NRETAS) advises that construction work should be conducted in accordance with the NRETAS 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.

## REASON FOR THE RECOMMENDATION

1. The proposed development is consistent with the purpose of Zone MR (Medium Density Residential) which is to 'provide for a range of housing options to a maximum of four storeys'.
2. A variation to Cause 7.3 (Building Setbacks of Residential Buildings) for reduced front and side setback for the proposed pedestrian entry portico is considered satisfactory in this instance as:
  - it contributes to a varied front property boundary; and
  - the open sided nature of the structure will not have any obvious impacts on breeze penetration through the site and to neighbouring properties; and

and as such, is considered to satisfy the purpose of the clause which is ensure residential buildings and structures without walls are located so 'as to minimise any adverse effects of building massing when viewed from adjoining land and the street', and 'to encourage breeze penetration through and between buildings'.

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 have requested details of the collection and discharge of stormwater for this proposal.

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

**ITEM 12**  
**PA2012/0272**

**CARPORT ADDITION TO AN EXISTING SINGLE DWELLING WITH REDUCED FRONT AND SIDE SETBACKS**

**APPLICANT**

**LOT 9616 (27) SOVEREIGN CIRCUIT, TOWN OF NIGHTCLIFF**  
**MOONBEAM DESIGN**

Applicant Mr Chris Renehan (Moonbeam Design) attended.

**RESOLVED**  
**134/12**

That, pursuant to section 53(c) of the Planning Act, the Development Consent Authority refuse to consent to the application to develop Lot 9616 (27) Sovereign Circuit, Town of Nightcliff for the purpose of a carport addition to an existing single dwelling with reduced front and side setbacks for the following reasons:

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

1. The proposed carport is inconsistent with the purpose of Clause 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme. The proposed hip roof, blockwork columns and solid blockwork side wall of the carport would likely result in an adverse impact in terms of building massing when viewed from the street and the adjoining property, and is considered incompatible with the streetscape. The solid wall along the eastern side boundary would also likely restrict breeze penetration into the subject site as well as adjoining Lot 9694 (29 Sovereign Circuit).
2. No special circumstances have been identified which justify the setback encroachments and warrant the granting of consent by the Authority.

**ACTION:** Notice of Refusal.

**ITEM 13  
PA2012/0283**

**MOTOR BODY WORKS IN A SINGE STOREY BUILDING WITH MEZZANINE FLOOR**

**APPLICANT**

**LOT 6608 (14) BENISON ROAD, TOWN OF DARWIN  
TAILOR-MADE BUILDING SERVICES PTY LTD**

Applicant Mr Raymond Somerville (Tailor-made Building Services Pty Ltd) attended.

**RESOLVED  
135/12**

That, the Development Consent Authority determines to reduce the car parking requirement from 51 bays to 21 bays pursuant to Clause 6.5.2 (Reduction in Parking Requirements) of the Northern Territory Planning Scheme, and vary the requirements of Clause 9.1.1 Industrial Setbacks of the NT Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application to develop Lot 6608 (14) Benison Road, Town of Darwin for the purpose of Motor body works in a single storey building with mezzanine floor, subject to the following conditions:

**CONDITIONS**

1. Works carried out under this permit shall be in accordance with drawings numbered 2012/0283/1 through to 2012/0283/4, endorsed as forming part of this permit.
2. 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.
3. Prior to commencement of use, a Waste Management Plan addressing City of Darwin's Waste Management Policy 054 must be prepared to the requirements of City of Darwin and to the satisfaction of the consent authority.
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. 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.
6. The owner shall:
  - (a) remove disused vehicle and/or pedestrian crossovers;
  - (b) provide footpaths/cycleways;
  - (c) collect stormwater and discharge it to the drainage network; and

- (d) undertake reinstatement works;  
all to the technical requirements of and at no cost to the City of Darwin, to the satisfaction of the consent authority.
7. 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.
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/ clients.
9. The landscaping provided within Council's road reserve shall be subject to the technical requirements and approval by Council and at no cost to City of Darwin, to the satisfaction of the consent authority.
10. 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.
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.

#### **NOTES**

1. Notwithstanding the approved plans, all signage is subject to Council's approval and shall meet all Council's requirements to the satisfaction of the Director of Technical Services, City of Darwin at no cost to Council.
2. A "Permit to Work within a Road Reserve" may be required from the City of Darwin before commencement of any work within the road reserve.
3. 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 proposal is consistent with the primary purpose of Zone GI (General Industry), which is, "to provide for general industry".
2. A reduction in the parking requirements under clause 6.5.2 (Reduction in Parking Requirements) is supported as:



- The intensity and of the use on the proposed site will not be significantly different from the current operation which provides a lesser number of car parks.
  - The nature of the business is such that cars which require major repairs are held and inspected offsite, and thereby minimising any chance of the available car parks being used for holding damaged cars.
  - The site is also readily served by nearby car parking spaces provided in the road reserve of Raphael Road.
  - The design layout restricts working area to 6 "repair bays" thus determining the number of vehicles to be undertaken at any given time.
3. A variation to clause 9.1.1 (Industrial Setbacks) of the NT Planning Scheme is supported as the proposal is consistent with the nature of the industrial area in which it is located and the reduced landscaping buffer is considered unlikely to have any adverse impact on the amenity of the surrounding area or streetscape.

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

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



**PETER MCQUEEN**  
Chairman

18 /6/12

