



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 204 – FRIDAY 8 FEBRUARY 2013

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

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

APOLOGIES: Nil

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

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 9.45 am and closed at 12.20 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 **2 X 3 BEDROOM MULTIPLE DWELLINGS IN A SINGLE STOREY BUILDING**
PA2012/1010 **LOT 10306 (11) GUMIMBA CRESCENT, TOWN OF NIGHTCLIFF**
APPLICANT **RAW DESIGNS**

Mr Rob Watt (Raw Designs) attended.

RESOLVED That, the Development Consent Authority vary the requirements of Clauses 6.5.3
31/13 (Parking Layout) and 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 10306 (11) Gumimba Crescent, Town of Nightcliff for the purpose of 2 x 3 bedroom multiple dwellings in a single storey building, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the local stormwater drainage system shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority. The plan shall include details of site levels and stormwater drain connection points.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings numbered 2012/1010/1 through to 2012/1010/5, 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 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.
5. 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.
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. 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.
 8. Before the occupation of the development starts the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
 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. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.
 12. Soil erosion and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
 13. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into City of Darwin drains or to any watercourse.

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. 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. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development is available from the Department of Land Resource Management.
4. 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.

5. Power and Water Corporation has advised that:
 - 24 hour access to the 1 x 1m electricity easement within the property is to be maintained;
 - It is a requirement that the water service to the units be multi-metered; and
 - Water and Sewerage Systems Extension Policy (WASSEP) charges apply for this development; the developer should contact Services Development for further information.
6. The developer will be required to contact "Dial Before You Dig" on 1100 to obtain the location of the Telstra network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.

REASONS FOR THE DECISION

1. The proposed development is consistent with the purpose of Zone SD17 (Specific Use Darwin – 17), being to facilitate the subdivision, use and development of the land as a residential estate.
2. A variation to the 6 metre wide requirement of Clause 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme is supported, as the crossover would be of a scale appropriate for its intended use. Given that the crossover would only serve two dwellings, it would not generate enough vehicular activity to warrant a 6 metre wide crossover to accommodate two-way traffic. Cars leaving the site would also be doing so at an angle or reversing from the garage, thereby preventing two-way traffic anyway.
3. A variation to the 3 metre landscaping requirement of Clause 6.5.3 (Parking Layout) is supported as the exposed aggregate driveway area would be appropriate for its purpose, of a scale proportionate to the development proposed and in keeping with the streetscape and surrounding development. Apart from the driveway, the rest of the site's street frontage would be landscaped.
4. The irregular shape of the lot and its dual frontage are considered to represent special circumstances for consideration. The 77 degree rear corner constrains the efficient use of the site's area and approximately 52 metres (46%) of the parcel's boundary abuts Gumimba Crescent, to which primary and secondary street minimum setbacks apply. The Lyons design covenant which applies to the property also requires greater side setbacks than required under the NT Planning Scheme. The resultant building envelope constrains the development of multiple dwellings on the site to a point at which full compliance with the provisions of the

Planning Scheme would result in an underutilisation of the site and a development which would offer a lesser level of amenity to future residents of the dwellings.

The proposed development is consistent with the purpose of Clause 7.3 (Building Setbacks of Residential Buildings). The single storey development is of a scale and design compatible with adjacent and nearby development and consistent with the purpose of Zone SD17. The setbacks proposed from the Gumimba Crescent front boundary are consistent with the front setbacks of the surrounding residential development.

The articulation of the building, landscaping within the front setback and the variety in roof heights, building materials and colours proposed are all aspects of the technically non-compliant Gumimba Crescent façade which would minimise any adverse effects of building massing when viewed from the street. The encroachments into the required minimum front setback would not facilitate undue overlooking of adjacent or nearby properties or compromise breeze penetration through and between buildings.

In light of the above, a variation to the 4.5 and 6 metre front setbacks required to the Gumimba Crescent eastern front boundary under Clause 7.3 is acceptable.

5. 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.

ACTION: Notice of Consent and Development Permit

ITEM 2
PA2012/0010
APPLICANT

SUBDIVISION AND CONSOLIDATION TO CREATE 1 LOT
LOTS 8028 & 5629 (216) TIGER BRENNAN DRIVE, TOWN OF DARWIN
DEPARTMENT OF LANDS, PLANNING AND THE ENVIRONMENT

Mr Stuart Cook (Land Administration, DLPE) attended.

RESOLVED
32/13

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lots 5629 and 8028 (216) Tiger Brennan Drive, Town of Darwin for the purpose of subdivision and consolidation to create 1 lot, subject to the following conditions:

CONDITION PRECEDENT

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

in accordance with the plans submitted with the application but modified to show the proposed boundaries amended to exclude Zone CN (Conservation) land from the proposed lot.

2. Prior to the endorsement of plans and the commencement of works (including site preparation), a traffic analysis or similar assessment shall be provided to assess whether the proposed access from Gonzales Road and the upgraded Tiger Brennan Drive intersection can co-exist safely, to the requirements of City of Darwin and the satisfaction of the consent authority.

GENERAL CONDITIONS

3. The works carried out under this permit shall be in accordance with the drawing numbered 2012/0010/1, endorsed as forming part of this permit.
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. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
6. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, vehicular access, pedestrian/ cycle corridors and streetscaping are to be to the technical requirements of City of Darwin, the Department of Transport (Road Network Division) or the Department of Lands, Planning and the Environment (Land Administration), as the case may be, to the satisfaction of the consent authority.
7. Where unfenced, the Tiger Brennan Drive frontage is to be appropriately fenced in accordance with the Department of Transport's standards and requirements, to the satisfaction to the consent authority.
8. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
9. 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. 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. A "Permit to Work Within a Road Reserve" will be required from City of Darwin or the Department of Infrastructure before commencement of any work within the road reserve.
3. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development is available from the Department of Land Resource Management.
4. The Department of Transport (Road Network Division) has advised that revised design drawings of the compound modifications (reflecting the new lot boundaries) are to be submitted to Road Network Division and City of Darwin.
5. No clearing of vegetation within the CN (Conservation) zoned area of the lot is permitted without prior consent.

REASONS FOR THE DECISION

1. The proposed subdivision is administrative in nature, being to facilitate tenure over an existing sewage pumping station, and would not compromise the use or development of adjacent and nearby land in accordance with its zoning.
2. The proposal complies with clauses of the Northern Territory Planning Scheme relevant to subdivision (where applicable), and would not compromise future transport infrastructure development within the adjacent PM (Proposed Main Road) corridor.
3. A traffic analysis or similar assessment is required to assess whether the proposed access from Gonzales Road and the upgraded Tiger Brennan Drive intersection can co-exist safely.
4. The requirement to exclude any Zone CN (Conservation) land from the proposed parcel is included to ensure that the land is suitably conserved and protected in accordance with the purpose of the zone.

ACTION: Notice of Consent and Development Permit

**ITEM 3
PA2012/0251
APPLICANT**

**SUBDIVISION AND CONSOLIDATION TO CREATE 3 LOTS
LOT 5988 & 7433 (57) BAYVIEW BOULEVARD, TOWN OF DARWIN
EARL JAMES AND ASSOCIATES**

Mr Kevin Dodd (Earl James & Associates) attended and tabled a map of the area, an area plan showing traffic catchments, a plan of Bayview eastern expansion proposal showing zones and an amended subdivision plan.

Submitters who sent their apology:- Trevor Stone, Neil, Phil and Joan Harvey, Alana Cox and Honor La'Porte.

Submitters in attendance: - Mr Paul Siskamanis, Mr Ross Finocchiaro, Mr Chris Cox and Ms Merran Short.

**RESOLVED
33/13**

That, pursuant to Section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 5988 & 7433 (57) Bayview Boulevard, Town of Darwin for the purpose of subdivision and consolidation to create 3 lots, to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

1. Provision of written advice/ confirmation from both the Department of Transport and City of Darwin that the proposed road connection adjacent to proposed Lot C is satisfactory to both agencies, or amended plans and provision of written advice/ confirmation from both agencies in respect to any alternative arrangement.
2. Provision of a comprehensive Traffic Impact Assessment (TIA) 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, to the requirements of the City of Darwin. The TIA is to be based on the final road connection(s) to any future stage of Bayview at the time of consideration of the application and on expected dwelling yield on each of the lots proposed to be created.

REASONS FOR THE DECISION

1. Additional information is required in respect to vehicle access given the advice from both Department of Transport and City of Darwin. Should the location of the access change from that formally exhibited, re-exhibition will need to be considered.
2. The City of Darwin have informally advised of traffic issues within the Bayview Estate and have requested a Traffic Impact Assessment.

ACTION: Advice to Applicant

**ITEM 4
PA2012/1012**

SINGLE DWELLING WITH A REDUCED FRONT SETBACK AND A REDUCED PRIVATE OPEN SPACE AREA FROM THOSE REQUIRED IN ZONE SD20 (SPECIFIC USE DARWIN NO. 20)

APPLICANT

**LOT 7695 (6) RANGE PLACE, TOWN OF DARWIN
DPL DEVELOPMENTS PTY LTD**

Mr Darron Lyons (DLP Developments Pty Ltd) and Mr Trevor Owen (owner) attended.

Mr Lyons tabled a:-

- Site plan showing the neighbouring property;

- Two perspectives showing the development on this site and the adjoining site; and
- Side view of the adjoining property from this site.

Submitter in attendance:- Mark Gibson

**RESOLVED
34/13**

That, the Development Consent Authority vary the requirements of Zone SD20 (Specific Use Darwin No. 20) 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 7695 (6) Range Place, Town of Darwin for the purpose of a single dwelling with a reduced front setback and a reduced private open space area from those required in Zone SD20 (Specific Use Darwin No. 20), subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the local stormwater drainage system shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority. The plan shall include details of site levels and stormwater drain connection points.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings numbered 2012/1012/1 through to 2012/1012/6, 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 and electricity facilities to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. 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.
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. 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.

8. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.
9. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
10. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into City of Darwin drains or to any watercourse.

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. 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. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development is available from the Department of Land Resource Management.
4. 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.

REASONS FOR THE DECISION

1. The proposed single storey dwelling is consistent with the purpose of Zone SD20 (Specific Use Darwin No. 20) of the Northern Territory Planning Scheme, being to facilitate the subdivision, use and development of the land as a residential estate.
3. A variation to the building envelope approved for the lot under Zone SD20 (Specific Use Darwin No. 20) is acceptable as the proposed dwelling is consistent with the purposes of Zone SD20 and setbacks in general. The garage would be well set back from the front property boundary and the building line would be consistent and compatible with existing development in the street. The front facade of the dwelling and

garage would be articulated and include varied roof heights and building materials, and the garage would be setback 300mm from the northern side boundary for a length of 8.4 metres where a zero lot line up to 15 metres is permitted. The garage is therefore unlikely to have an adverse visual impact in terms of building massing when viewed from the street and the adjoining property.

The non-compliance would not facilitate overlooking of the adjacent property to the north as the garage is non-habitable and no openings are proposed within its northern facade.

The projection of the garage toward the front boundary would be unlikely to unduly compromise breeze and light penetration as it is along the northern side boundary where a zero lot line is permitted and the neighbouring development is setback 3m from the boundary. The design is consistent with the objective of the SD20 building envelopes, being to provide greater setbacks to one side and rear boundaries to promote breezeways and more usable private open space areas.

5. A variation to Clause 7.5 (Private Open Space) in regard to the non-compliant private open space dimensions is acceptable due to the minor nature of the non-compliance. The private open space area well exceeds the 50m² minimum size requirement, and includes areas which are appropriately sited and of dimensions adequate to provide for domestic purposes, and is therefore consistent with the purpose of the clause.

ACTION: Notice of Consent and Development Permit

ITEM 5
PA2012/1009
APPLICANT

4 X 3 BEDROOM MULTIPLE DWELLINGS IN 4 X 2 STOREY BUILDINGS
LOT 1699 (32) GEORGE CRESCENT, TOWN OF DARWIN
GROUP 1 CONSULTING PTY LTD

Mr John Berryman (Group 1 Consulting) attended.

RESOLVED
35/13

That the Development Consent Authority determine to vary the requirements of clause 7.3 (Building Setback of Residential Buildings), clause 7.3.2 (Distance Between Residential Buildings on One Site) 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 1699 (32) George Crescent, Town of Darwin for the purpose of 4 x 3 bedroom multiple dwellings in 4 x 2 storey buildings, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation):
 - a. the applicant is to obtain written confirmation that the power pole to the front of Lot 1699, Town of Darwin, has been relocated to the requirements of the City of Darwin and the Power and Water Corporation, to the satisfaction of the consent authority;

- b. the applicant is to provide confirmation that, either:
 - i. The existing stormwater side entry pit located on George Crescent will not be affected by the proposed development, to the satisfaction of the City of Darwin; or
 - ii. That any necessary relocation of the side entry pit has been undertaken to the design requirements and satisfaction of the General Manager Infrastructure, City of Darwin, to the satisfaction of the consent authority;
 - c. the applicant is to provide evidence confirming the Power and Water Corporation's acceptance of either:
 - i. The easement encroachment as shown on dwg 1218-TP1 relating to the location of the paving, decking and shade sail posts to units 3 and 4; or
 - ii. The deletion of the offending items, to the satisfaction of the consent authority; and
 - d. the applicant is to prepare a landscaping plan for the site, with this to include a planting schedule specifying plant species, quantities, pot sizes and size at maturity for all plants to be provided on site. This plan is to be to the satisfaction of the consent authority and is to be endorsed by this permit.
2. Prior to 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. 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) the applicant is to provide a 'Traffic Management Plan', prepared to the satisfaction of the Department of Transport's Public Transport Division, that addresses how the developer is going to manage site deliveries and tradesman vehicle/trailer parking during the construction phase of the development.

GENERAL CONDITIONS

4. Works carried out under this permit shall be in accordance the plans 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 each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

7. 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.
8. 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.
9. 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.
10. 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.
11. 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, nor is any of the landscaping within the 6m driveway aisle extent to exceed 0.6m, ensuring that an appropriate level of visual connectivity through the carparking area.
12. 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.
13. 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.
14. 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.
15. All balconies are to be internally drained and discharge is to be disposed of at ground level and in a manner consistent with stormwater disposal arrangements for the site to the satisfaction of the consent authority.

16. Storage for waste disposal bins is to be provided to the requirements of the 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 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. 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 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>.
4. 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.
5. 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.

REASONS FOR THE DECISION

1. The proposal to develop the site for the purpose of 4 x 3 bedroom multiple dwellings in 4 x 2 storey buildings 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", and that the development is considered to be of a "scale, character and architectural style that is compatible with the streetscape and surrounding development", being similar in scale and form to many developments along George Crescent and within the locality.
2. A variation to setback provisions of clauses 7.3 (Building Setbacks of Residential Buildings) and 7.3.2 (Distance Between Residential Buildings)

on One Site) of the Northern Territory Planning Scheme is supported as the encroachments are minor and shall not detract from the purpose of the clause, which requests that buildings be located so that they:

- “Are compatible with the streetscape and surrounding development, including residential buildings on the same site.”
- “Minimise any adverse effects of building massing when viewed from adjoining land and the street.”
- “Avoid undue overlooking of adjoining properties.”
- “Encourage breeze penetration through and between buildings.”

The two side setback non-compliances are seeking a waiver of 0.6m from the control for a length of 2.9m along both the eastern and western boundaries, contains no windows or other openings and shall see the inclusion of landscaping to the space within the affected remaining setback to further minimise any potential building massing. The non-compliance relating to the separation distance between units 3 and 4 affects an area of just 0.25m² due to the buildings not being parallel. The largely open design of the development, presenting four separate buildings with articulated features along each facade, should mean that breezes through and between the site will be largely unaffected, while massing and streetscape impacts will be negligible.

3. A variation to the dimensional controls of clause 7.5 (Private Open Space) of the Northern Territory Planning Scheme is supported as the non-compliance is minor, and with the affected units (3 and 4) incorporating private open recreational spaces with dimensions of 4.1m x 12m that extend directly from the main living space, the private open space is clearly useable and allows for an extension of the function of the dwelling. The private open space is “appropriately sited and of an adequate size to provide for domestic purposes, as per the purpose of clause 7.5. The total private open space that is provided to each unit is more than double that required by this clause and the site directly abuts a public park, the development in no way lacking in open recreational space for future occupants.
4. Confirmation regarding the relocation of the power pole to the front of the site is required in order to ensure that the provision of services to the site and surrounding locality is unaffected by the development, with all works to be to the requirements of the City of Darwin and the Power and Water Corporation.
5. Confirmation over the potential impact of the development on Council’s existing stormwater side entry pit on George Crescent is required to ensure that the existing stormwater infrastructure within proximity of Lot 1699, Town of Darwin, is not adversely affected by the subject development.
6. 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.

7. A detailed landscaping plan is required to ensure that the impact on the surrounding lots is acceptable, noting the amenity considerations of section 51(n) of the *Planning Act*, which gives consideration to "the potential impact on the existing and future amenity of the area in which the land is situated". The proposed development is largely compliant with the relevant controls, is appropriate for the site and locality, and is not considered to result in any detrimental amenity impact on the surrounding area. Consideration has been given to the streetscape and existing developments in the locality.

ACTION: Notice of Consent and Development Permit

ITEM 6 **MIXED USE DEVELOPMENT COMPRISING A SHOP, RESTAURANT, OFFICE AND**
PA2012/1006 **44 X 2 BEDROOM SERVICED APARTMENTS (DUAL KEY) IN A 3 STOREY**
BUILDING PLUS 1 LEVEL OF BASEMENT CAR PARKING
PORTIONS 1092 & 1145 (6) & (4) BERRIMAH ROAD, HUNDRED OF BAGOT
APPLICANT **MASTERPLAN NT**

Mr Brad Cunnington and Ms Adelle Godfrey (Masterplan NT), Mr Tony Papadakis and Mr Michael Papadakis (owners) attended.

RESOLVED
36/13

That, the Development Consent Authority vary the requirements of clause 7.1 (Residential Density and Height Limitations) and clause 7.5 (Private Open Space) of the NT Planning Scheme, and pursuant to section 53(b) of the *Planning Act*, alter the proposed development and consent to the proposed development as altered, to develop Portions 1145 and 1092 (4 & 6) Berrimah Road, Hundred of Bagot for the purpose of a mixed use development comprising a shop, restaurant, office and 44 x 2 bedroom (dual key) serviced apartments in a 3 storey building plus basement car parking, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to endorsement of plans and prior to the commencement of works (including site preparation) the owner of the land is to prepare a revised Traffic Impact Assessment (TIA), assessing the impact of the proposed development on the service road intersection with Berrimah Road and addressing the potential road safety issues arising from the existing access through the median (north of the main entrance to the Service Road). The assessment is to also include vehicular swept path diagrams demonstrating all turning movements via Berrimah Road. The TIA is to be to the requirements of the Department of Transport, 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 into the local underground drainage system, to the requirements of Department of

Transport and/ or City of Darwin as the case may be, to the satisfaction of the consent authority.

3. 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) the building nominated in non-reflective finishes;
 - (b) the 'commercial' tenancy nominated as office; and
 - (c) deletion of all advertising signs.

GENERAL CONDITIONS

4. Works carried out under this permit shall be in accordance with the plans endorsed as forming part of this permit.
5. The development must be designed and constructed to comply with AS2021-2000 'Acoustics – Aircraft noise intrusion – Building siting and construction' (AS2021), and a statement from a suitably qualified acoustic engineer confirming compliance with AS2021-2000 must be submitted prior to occupation of the development, to the satisfaction of the consent authority.
6. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
7. 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.
8. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways;
 - (c) collect stormwater and discharge it to the drainage network; and
 - (d) undertake reinstatement works;All to the technical requirements of, and at no cost to, the City of Darwin and/ or the Department of Transport as the case may be, to the satisfaction of the consent authority.
9. Before the use or occupation of the development starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;

- (c) surfaced with an all-weather-seal coat; and
 - (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.
10. The car parking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their visitors.
 11. 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 and/ or the Department of Transport as the case may be, to the satisfaction of the consent authority.
 12. All proposed works (including provision of services) within, or impacting upon, the Berrimah Road road reserve shall be designed, supervised and certified on completion by a practising and registered Civil Engineer, and shall be in accordance with the standards and specifications of the Department of Transport. Current design drawings (together with a copy of the relevant Development Permit) must be submitted to the Director Roads for Road Agency Approval, irrespective of approvals granted by other Authorities i.e. Power and Water Corporation. No works within or impacting upon the NT Government road reserve are to commence prior to gaining Road Agency Approval.
 13. 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.
 14. 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.
 15. 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.
 16. The loading and unloading of goods from vehicles must only be carried out on the land.
 17. No goods are to be stored or left exposed outside the buildings so as to be visible from any public street.
 18. Soil erosion and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
 19. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above roof level of the building.

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. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.
23. External lights must be designed, baffled and located to the satisfaction of the consent authority to prevent any adverse effect on adjoining land and roads, and on the operation of the RAAF Base Darwin and Darwin International Airport.
24. An Occupancy Permit under the *Building Act* shall not be granted until such time as Portions 1092 and 1145, Hundred of Bagot 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. Power and Water Corporation advise that:
 - i. The proposed development has an impact on water pressure flows in the area. The developer is required to install a DN300 rider main adjacent to the DN600 MSCL. Additional fire hydrants will need to be installed at relevant spacing's to maximise lot coverage.
 - ii. Power and Water acknowledges the alternative option to connect to the DN300 AC main on the outer side of Berrimah Road via a thrust bore and will pay a contribution towards the upgrade to achieve its preferred option. Power and water's contribution will be the difference between the cost to connect to the DN300 AC and the rider main upgrade.
3. The Developer, his Contractor or Service Provider is required to obtain a "Permit to Work within a Road Reserve" from the Manager Road Operations, Road Projects Division, Department of Construction and Infrastructure (2nd Floor, Highway House, Palmerston) prior to commencement of any works within the Berrimah Road road reserve.
4. Road Network Division of Department of Lands and Planning advise that the shared path south of the subject site shall be consistently maintained for the entire length of the development.

5. Notwithstanding the approved plans, any proposed works (including landscaping) within the road reserve is subject to Council's and/ or Department of Transport's (DoT's) approval and shall meet all Council's and/ or DoT's requirements to the satisfaction of, and at no cost to, the General Manager of Infrastructure, the City of Darwin and/ or DoT as the case may be.
6. Notwithstanding the approved plans, all signage is subject to Council's approval and shall meet all Council's requirements to the satisfaction of the General Manager of Infrastructure, the City of Darwin, and be at no cost to Council.
7. 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.
8. 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.
9. The site is subject to "The Defence Areas Control Regulations" (DACR). Any structures (including temporary structures) higher than 15m above ground level including, but not limited to, additional buildings, light poles, cranes used during construction, vegetation etc. requires approval by the Department of Defence.
10. Darwin International Airport advises that the site is within extraneous lighting Zone D, and the lighting must comply with 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>.
11. 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.
12. Should the development be unit titled, each dual key two-bedroom serviced apartment will be required to remain under a single unit title.

REASONS FOR THE DECISION

1. The proposal is generally consistent with the purpose of Zone C (Commercial) which is "to provide a range of business and community uses", and as per clause 7.9 (Residential Development in Zones C and TC), the residential development being proposed will "not prejudice the use or development of the site for commercial or retail activity", noting that the ground floor commercial tenancies are considered "consistent with the service function of the site" and in excess of that previously approved by development permit DP12/0139.

2. A variation to clause 7.1.1 (Residential Density Limitations) of the NT Planning Scheme is considered justified in this instance as:
 - there is no evidence to suggest that the existing services in the area cannot support the proposed development; and
 - the land is considered capable of accommodating the proposal.
3. A variation to clause 7.5 (Private Open Space) is considered warranted, and special circumstances demonstrated, for reduced private open space areas on the basis that:
 - the accommodation provided is for short term, tourist accommodation; and
 - any outdoor private open space being of relatively low amenity value due to poor visual outlook and potential impact of noise.

ACTION: Notice of Consent and Development Permit

**ITEM 7
PA2012/1025
APPLICANT**

**CHANGE OF USE FROM OFFICE TO SHOP (UNIT 28)
PORTION 1349 (119) REICHARDT ROAD, HUNDRED OF BAGOT
TERRITORY LASER CLINIC PTY LTD**

Ms Holly Copping (Territory Laser Clinic) and Mrs Diane Copping attended.

Submitter:- Mr Terry Finocchiaro attended.

**RESOLVED
37/13**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Portion 1349 (119) Reichardt Road, Hundred of Bagot for the purpose of a change of use from office to shop (Unit 28), subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of the 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 the satisfaction of the consent authority.
2. Prior to the commencement of the use, signs are to be erected along both street frontages of the site advising that visitor parking is available on-site, and all visitor parking is to be appropriately line-marked or signposted, to the satisfaction of the consent authority.

GENERAL CONDITIONS

3. The works carried out under this permit shall be in accordance with the drawing numbered 2012/1025/1, endorsed as forming part of this permit.

4. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage and electricity facilities to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
6. 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. The loading and unloading of goods from vehicles must only be carried out on the land within the designated loading bay and must not disrupt the circulation and parking of vehicles on the land.

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. 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. Power and Water Corporation has advised that:
 - The developer may need to upgrade the existing water and sewer services to the property;
 - The developer must install a backflow prevention device at the outlet of the water meter through which PWC supplies water to the land;
 - The developer will need to make an application to discharge trade waste to PWC's sewerage system; and
 - Water and Sewerage Systems Extension Policy (WASSEP) charges apply for this development; the developer should contact Services Development for further information.
4. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to Council.
5. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the Building Code of Australia and the NT Public Health Act and Regulations.

REASONS FOR THE DECISION

1. The proposed development generally complies with clauses of the Northern Territory Planning Scheme applicable to a shop use in Zone GI (General Industry).
2. In regard to the appropriateness of the intended use in the GI (General Industry) zone, given the context of the site, being an approved showroom sales, office and warehouse complex, the proposed change in the use of Unit 28 from one commercial use to another would not result in a development which is out of character with existing and nearby development or compromise the development of adjacent and nearby land in accordance with its industrial zoning.

Furthermore, while there is a clear benefit to being located roughly equidistant from Darwin City, the northern suburbs and Palmerston, the application states that the main reason for choosing the subject property was to service an area that is not currently being serviced. It is considered plausible that there is a legitimate demand in the Winnellie area for the services provided by the applicant.

3. The erection of signage along both street frontages of the site advising that visitor parking is available and the line-marking/signposting of visitor parking spaces is required to encourage visitors to use these spaces. This will ensure that car parking generated by the site is accommodated on site and the car parking area is functional.
4. City of Darwin advises it is the sole authority responsible under the *Local Government Act* and associated by-laws for waste management and as such has requested details of the disposal, storage and removal of waste.

ACTION: Notice of Consent and Development Permit

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



PETER MCQUEEN
Chairman

13/2/13

