

**DEVELOPMENT CONSENT AUTHORITY**

**DARWIN DIVISION**

**MINUTES**

**MEETING No. 213 – FRIDAY 21 JUNE 2013**

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

**MEMBERS PRESENT:** Grant Tambling (Presiding Member), Robin Knox and Gary Lambert

**APOLOGIES:** Peter McQueen and David Hibbert

**OFFICERS PRESENT:** Sarah Mattson (Acting Secretary), Linda Henning, Michael O'Neill and Steven Conn (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Nil

**Meeting opened at 9.30 am and closed at 11.05 am**

**THE MINUTES RECORD OF THE EVIDENTIARY STAGE AND THE DELIBERATIVE STAGE ARE RECORDED SEPARATELY. THESE MINUTES RECORD THE DELIBERATIVE STAGE. THE TWO STAGES ARE GENERALLY HELD AT DIFFERENT TIMES DURING THE MEETING AND INVITEES ARE PRESENT FOR THE EVIDENTIARY STAGE ONLY.**

That, pursuant to section 101(3) of the *Planning Act*, in the Chairman's absence the members of the Darwin Division of the Development Consent Authority elect Grant Tambling to preside at the meeting held on 21 June 2013.

**ITEM 1  
PA2013/0352  
APPLICANT**

**DEMOUNTABLE STRUCTURE ADDITION TO AN EXISTING SINGLE DWELLING  
LOT 2743 (19) ROSS SMITH AVENUE, TOWN OF DARWIN  
GRANT GIBSON**

Mr Grant Gibson attended.

**RESOLVED  
137/13**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 2743 (19) Ross Smith Avenue, Town of Darwin for the purpose of a demountable structure addition to an existing single dwelling, subject to the following conditions:

**CONDITION PRECEDENT**

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be generally in accordance with the plans considered by the consent authority but modified to show:
  - (a) Further embellishment of the northeast front of the structure (e.g. a colour-matched lattice screen).

**GENERAL CONDITIONS**

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
4. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to City of Darwin, to the satisfaction of the consent authority.
5. Before the use of the structure starts, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.

6. 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.
7. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
8. No polluted and/or sediment laden run-off is to be discharged directly or indirectly to City of Darwin drains or to any watercourse.

**NOTES:**

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

**REASON FOR THE DECISION**

1. The proposed demountable structure is consistent with the purpose of Clause 6.8 (Demountable Structures) of the Northern Territory Planning Scheme, being to ensure that demountable structures do not detract from the visual amenity of an area.

The structure would be set well back from the Ross Smith Avenue front boundary. The dark green colour and screening vegetation proposed as well as the additional embellishment of the front of the structure (required by Condition 1) would enhance its appearance to an extent that it would not have an adverse visual impact when viewed from the street or adjacent properties.

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

ITEM 2  
PA2013/0336

**35 X 1, 28 X 2 & 12 X 3 BEDROOM MULTIPLE DWELLINGS AND GROUND LEVEL SHOPS & OFFICES IN A 12 STOREY BUILDING PLUS 3 LEVELS OF BASEMENT CAR PARKING  
LOT 2443 (110) MITCHELL STREET, TOWN OF DARWIN  
MASTERPLAN NT**

APPLICANT

Mr Brad Cunnington and Ms Shawna Wilde (MasterPlan) attended.

Mr George Milatos attended and tabled his submission.

Mr Savvas attended and tabled a response.

Mr Cunnington (MasterPlan) tabled an email from Power and Water.

**RESOLVED  
138/13**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 2443 (110) Mitchell Street, Town of Darwin, for the purpose of 35 x 1 bedroom, 28 x 2 bedroom and 12 x 3 bedroom multiple dwellings and ground level shops/ offices/ restaurants in a 12 storey building plus 3 levels of basement carparking, to require the applicant to provide the following information that the Authority considered necessary in order to enable the proper consideration of the application:

- Compliance for all aspects of the building within Tier 2, as defined by clause 6.3.2 (Volumetric Control in Central Darwin), with an allowance granted for the proposed balustrade.

**ACTION:**

Advice to Applicant

**RESOLVED  
139/13**

That pursuant to section 86 of the *Planning Act*, the Authority delegates to Grant Tambling (Presiding Member at the 21 June 2013 DCA meeting) the power under section 53 of the Act to determine the application to develop Lot 2443 (110) Mitchell Street, Town of Darwin, for the purpose of 35 x 1 bedroom, 28 x 2 bedroom and 12 x 3 bedroom multiple dwellings and ground level shops/ offices/ restaurants in a 12 storey building plus 3 levels of basement carparking, subject to:

- Receipt of an amended set of plans showing compliance against the Tier 2 setback requirements given in clause 6.3.2 (Volumetric Control in Central Darwin) of the NT Planning Scheme, as outlined in the deferral resolution; and subject to the following conditions:

#### **CONDITIONS PRECEDENT**

1. Prior to endorsement of the plans and prior to commencement of works (including site preparation), the applicant is to submit:
  - (a) An 'easement encroachment agreement' with the Power and Water Corporation regarding the possible encroachment into the existing sewerage easement within Lot 2443, Town of Darwin; or
  - (b) Confirmation from Power and Water Corporation that the sewerage easement has been appropriately extinguished or relocated – Following extinguishment or relocation of Power and Water Corporation's sewerage easement, a new survey plan will need to be obtained from the Land Titles Office and issued to the consent authority.

All of the above shall be to the requirements of the Power and Water Corporation, to the satisfaction of the consent authority.

2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a traffic impact assessment report prepared in accordance with the Austroads document 'Guide to Traffic Management Part 12: Traffic Impacts of Developments'. The report must outline changes that will be required to the surrounding road network and address vehicular, pedestrian, cyclist and public transport issues and opportunities, and is to include swept paths for waste collection vehicles entering and exiting the site, giving consideration to on-street parking on Peary Street. The report is to be to the approval of the City of Darwin, to the satisfaction of the consent authority.
3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a Environmental Construction Management Plan (ECMP), to the requirements of the City of Darwin, to the satisfaction of the consent authority. The ECMP is to address how construction will be managed on the site, and is to include details of the haulage of excavated and new materials, traffic management for construction vehicles, fencing and hours of construction.
4. Prior to the endorsement of plans and prior to the commencement of works (including site preparation) the applicant is to provide a 'Traffic Management Plan', prepared to the satisfaction of the Department of Transport's Public Transport Division, that addresses the ongoing provision of public transport services during construction in the event that construction activities may interrupt bus flows along Mitchell Street.

#### **GENERAL CONDITIONS**

5. Works carried out under this permit shall be in accordance the plans endorsed as forming part of this permit.
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 facilities, electricity and telecommunication networks to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
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. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the consent authority.

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. The owner shall:
  - (a) remove disused vehicle and/ or pedestrian crossovers;
  - (b) provide footpaths/cycleways;
  - (c) collect stormwater and discharge it to the drainage network; and
  - (d) undertake reinstatement works;all to the technical requirements of and at no cost to the City of Darwin, to the satisfaction of the consent authority.
  
12. 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.
  
13. The loading and unloading of goods from vehicles must only be carried out on the land and must not disrupt the circulation and parking of vehicles on the land.
  
14. 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.
  
15. 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.
  
16. 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.
  
17. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
  
18. 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.
  
19. 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.

20. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

#### **NOTES:**

1. The Power and Water Corporation advises that:
  - The current local infrastructure cannot sustain the necessary fire fighting flows for the development and as a result the developer will be required to contribute towards the upgrade of the local water reticulation infrastructure. The applicant/ developer should contact Power and Water Corporation's Services Development Technical officers prior to the commencement of works to discuss water supply and contribution requirements.
  - Payment is to be made in accordance with PAWC's 'water and sewerage services extension policy' (WASSEP) prior to the receipt of development clearance from PAWC.
  - The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and the Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the servicing requirements of the Corporation, and the need for upgrading of on-site and/or surrounding infrastructure.
2. The Department of Lands, Planning and the Environment's 'Environment Protection Agency' advises that construction work should be conducted in accordance with the Department's Noise guidelines for development sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
3. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to the City of Darwin.
4. Notwithstanding the approved plans, any proposed works (including landscaping and structures) within Council's road reserve and Council land is subject to Council's approval and shall meet all Council's requirements, to the satisfaction of the General Manager of Infrastructure, City of Darwin and at no cost to Council.
5. The developer is required to contact 'Dial Before You Dig' on 1100 to obtain a location of the Telstra Network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.

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

1. The development, proposing multiple dwellings and a commercial tenancy, is consistent with the primary purpose of zone CB (Central Business), being "to provide for a diversity of activities including administrative, judicial, professional, office, entertainment, cultural,

residential, retail and other business activities, with a commitment to the separation of incompatible activities". The development presents well to the street and is of similar scale and design to other approved developments in the vicinity. The mixed use nature of the development is supported and the building is seen as appropriate for the site and its locality.

2. A variation to the requirements of clause 6.3.2 (Volumetric Control in Central Darwin) of the Northern Territory Planning Scheme is supported as evidence has been provided to show the relative setbacks of other approved developments in the vicinity of the subject site. The compliant setback to the southeast is noted, with this to ensure that any impact on Lot 2444 is minimised. The combined distances involved from one habitable space to another between the neighbouring sites in question, will see a negligible impact on views, breezes and daylight, and no increased impact on privacy between sites. The development shows acknowledgement of the purpose of clause 6.3.2 (Volumetric Control in Central Darwin) and will see a negligible impact on surrounding lots.
3. A variation to the requirements of clause 6.3.3 (Urban Design Requirements in Central Darwin) of the Northern Territory Planning Scheme is supported as the non-compliance is quite minor and the development presents almost full activation to Mitchell Street, the dominant street for the site. The open lobby space between the two commercial tenancies, with bicycle parking against its rear wall, is noted as a design feature, encouraging interaction and ensuring that the development does not overly impose on the street, thereby meeting the intent of this clause, "to promote exemplary urban design in Central Darwin".
4. A variation to the requirements of clause 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme is supported as the spaces affected by the non-compliance (those numbered 1, 35, 36, 70, 71 and 105) all sit over from a ramp, and are therefore provided with sufficient space for cars to reverse up/ down the ramp and manoeuvre appropriately. The carparking layout is considered to meet the purpose of clause 6.5.3, "to ensure that a carparking area is appropriately designed, constructed and maintained for its intended purpose", that being the access and parking of cars associated with the development..
5. A variation to the volumetric controls of clause 7.5 (Private Open Space) of the Northern Territory Planning Scheme is supported as the variation being sought is numerically minor and is compensated through the large surplus against the communal open space requirements of clause 7.6, whereby the common recreational spaces provided exceed the minimum by 489.8m<sup>2</sup> or 39% of site area. The site's location, within the Darwin CBD is also seen as a balance in this regard, noting the many facilities and amenities within proximity, the Esplanade being approximately 200m to the south, within ready walking distance. The balconies provided as part of the development are appropriately sited and are directly accessible from the dwelling and enable an extension of the



function of the dwelling, in line with subclauses 1(a) and 2(a) of clause 7.5 of the Planning Scheme.

6. It is necessary that the sewer easement along the northeastern end of the site be extinguished or relocated as without this occurring the development will not be able to proceed without significant redesign. As the responsible authority, this is to be undertaken to the requirements of the Power and Water Corporation, with legal verification given via the issue of a revised survey plan.
7. A 'Traffic Management Plan' is to be provided to the satisfaction of the Department of Transport's Public Transport Division as the site is on a services route and assurance is required that bus routes will not be affected, including during the construction phase.
8. In accordance with the requirements of section 51(m) of the *Planning Act*, consideration has been given to all comments received from service authorities, with all relevant matters addressed through conditions or notes on the development permit, thereby ensuring that an appropriate level of service is maintained for the site and surrounding locality, and that the impact of the development does not unduly spread to the surrounding area.

**ACTION:** Advice to Applicant

**ITEM 3  
PA2013/0099**

**CHANGES TO THE DEVELOPMENT APPROVED BY DP10/0289 FOR  
CONVERTING COMMUNAL OPEN SPACE TO OFFICE AND REASSESSMENT OF  
CAR PARKING**

**APPLICANT**

**LOT 2444 (108) MITCHELL STREET, TOWN OF DARWIN  
PA GROUP PTY LTD**

Mr Savvas Savvas (PA Group P/L) and Mr George Milatos attended.

**RESOLVED  
140/13**

That the Development Consent Authority vary the requirements of clauses 6.3.3 (Urban Design Requirements in Central Darwin) and 7.6 (Communal 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 2444 (108) Mitchell Street, Town of Darwin, for the purpose of changes to the development approved by DP10/0289 for converting communal open space to office and reassessment of carparking, subject to the following conditions:

**CONDITION PRECEDENT**

1. Prior to endorsement of plans the applicant is to submit amended plans, generally in accordance with those submitted with the application, but modified to show awnings for the full extent of the site's street frontage.

**GENERAL CONDITIONS**

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

3. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and telecommunication networks to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the consent authority.
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; 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.
7. The owner shall:
  - (a) remove disused vehicle and/ or pedestrian crossovers;
  - (b) provide footpaths/cycleways;
  - (c) collect stormwater and discharge it to the drainage network; and
  - (d) undertake reinstatement works;all to the technical requirements of and at no cost to the City of Darwin, 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. 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.
10. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the City of Darwin, to the satisfaction of the consent authority.
11. Before the use/ occupation of the development starts the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.

13. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
14. 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.

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

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

1. The development, proposing multiple dwellings and a commercial tenancy, is consistent with the primary purpose of zone CB (Central Business), being "to provide for a diversity of activities including administrative, judicial, professional, office, entertainment, cultural, residential, retail and other business activities, with a commitment to the separation of incompatible activities". The development presents well to the street and is considered to be of a good design and with a use that could ordinarily be expected within the central Darwin area.

2. Amended plans, showing awnings for the full extent of the site' street frontage, are required for the development to gain full compliance against clause 6.3.3 (Urban Design Requirements in Central Darwin) of the Northern Territory Planning Scheme, which requests, through subclause 4(a), "awnings to streets for the full extent of the site frontage that allow for the planting and growth of mature trees within the road reserve". The provision of awnings will mean that the development will not be required to identify special circumstances against this clause as it shall be in compliance with all aspects of clause 6.3.3, and could be considered to meet the purpose of promoting "exemplary urban design".
  
3. A variation to the volumetric controls of clause 7.6 (Communal Open Space) of the Northern Territory Planning Scheme is supported as the area provided for common recreational use is believed to present well and to provide a good amenity outcome for future residents. The revisions to the design, showing an improved presentation to the street, and allowing for increased penetration of breezes and light to the communal open space area, and the minor level of the prescriptive shortfall, are noted. The development is seen to be in accordance with the purpose of clause 7.6 (Communal Open Space) "to ensure that suitable areas for communal open space are provided for hostels, multiple dwellings and supporting accommodation".

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

**ITEM 4**                    **THREE STOREY SINGLE DWELLING WITH REDUCED FRONT AND SIDE**  
**PA2013/0322**            **SETBACKS**  
**APPLICANT**           **LOT 5861 (5) PERKINS COURT, TOWN OF DARWIN**  
**NEVILLE JONES SERVICES**

Mr Neville Jones (Neville Jones Services) and Mr Hully Liveris (Hully Liveris Design) attended.

Mr Jones tabled an email from Power and Water Corporation.

**RESOLVED**            That, the Development Consent Authority vary the requirements of Clause 7.1.2  
**141/13**                    (Residential Height Limitations) 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 5861 (5) Perkins Court, Town  
of Darwin for the purpose of a three storey single dwelling with reduced front and  
side setbacks, subject to the following conditions:

**CONDITIONS PRECEDENT**

1. Prior to endorsement of plans and prior to commencement of works (including site preparation), the applicant is to submit:
  - (a) Amended Plans demonstrating the removal of all encroaching structures within the 1.5m clearance required around the Sewer Inspection Opening connection point; or

- (b) Correspondence confirming that the positioning of all structures on the site, as shown on the submitted documentation, will not impact on the Sewer Inspection Opening connection point .  
All of the above shall be to the requirements of the Power and Water Corporation, to the satisfaction of the consent authority.
2. 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**

3. The works carried out under this permit shall be in accordance with the drawings 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, drainage, sewerage and electricity facilities to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
6. 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.
7. The owner shall:
- (a) remove disused vehicle and/ or pedestrian crossovers;
  - (b) provide footpaths/ cycleways;
  - (c) collect stormwater and discharge it to the drainage network; and
  - (d) undertake reinstatement works;
- All to the technical requirements of and at no cost to the City of Darwin, to the satisfaction of the consent authority.
8. 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.
9. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.
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 control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

#### NOTES:

1. This development permit does not grant 'building approval' for the proposed structure. The Building Code of Australia requires that any structure within 900mm of a boundary meets minimum fire resistance level requirements, and accordingly you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing demolition or construction works.
2. 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 in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
3. A "Permit to Work Within a Road Reserve" may be required from the City of Darwin before commencement of any work within the road reserve.
4. City of Darwin By-laws do not permit vehicular access gates to be opened outwards over the nature strip or footway.
5. The Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency's Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

#### REASONS FOR THE DECISION

1. The proposed single dwelling is consistent with the purpose of Zone SD (Single dwelling) of the Northern Territory Planning Scheme, being to provide for single dwelling on individual lots.
2. In accordance with the requirements of section 51(m) of the *Planning Act*, consideration has been given to all comments received from service authorities, with all relevant matters addressed through conditions or notes on the development permit, thereby ensuring that an appropriate level of service is maintained for the site and surrounding locality, and that all comments are appropriately addressed, including the protection of the sewerage easement identified by the Power and Water Corporation.
3. The variation to the requirements of Clause 7.1.2 (Residential Height Limitations) for a 3 storey dwelling is acceptable as the building presents

as essentially 2 storeys with the basement level largely below ground and only a small portion noticeable from Perkins Court and the rear boundary (Cullen Bay marina). It is considered that the dwelling is compatible with adjoining and nearby existing development or development reasonably anticipated and therefore will not adversely affect the amenity of the surrounding area.

4. A variation to the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) is acceptable as the proposal is considered compatible with the streetscape and surrounding development given the surrounding development pattern, articulation of the front facade and the varied architectural and material treatments to the building. It is considered unlikely the development will have an adverse impact on the amenity of Perkins Court in terms of building massing, and the proposed 1.5m setback along the southern side boundary should result in adequate breeze penetration through and between buildings. The proposal is consistent with the purpose of the clause 7.3 (Building Setbacks of Residential Buildings), and in this instance the proposed development's compliance with previous planning policy for the Cullen Bay Estate is considered a better outcome and more likely to address the objectives of the NT Planning Scheme than if the development were designed to fully comply with clause 7.3.
5. 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 to the main drainage system or to an approved alternative connection.

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

**ITEM 5**                    **SHADE SAIL ADDITION TO AN EXISTING SINGLE DWELLING WITH REDUCED**  
**PA2013/0241**           **FRONT AND SIDE SETBACKS**  
**APPLICANT**           **LOT 9616 (27) SOVEREIGN CIRCUIT, TOWN OF NIGHTCLIFF**  
**SOLSAVE PTY LTD**

Ms Leah Williams attended.

**RESOLVED**            That, the Development Consent Authority vary the requirements of clause 7.3  
**142/13**                    (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme  
and, pursuant to section 53(a) of the *Planning Act*, the Development Consent  
Authority consent to the application to develop Lot 9616 (27) Sovereign Circuit,  
Town of Nightcliff for the purpose of a shade sail addition to an existing single  
dwelling with reduced front and side setbacks, subject to the following conditions:

#### **CONDITION PRECEDENT**

1. 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 the City of Darwin's stormwater drainage system, to the requirements of the City of Darwin and Department of Lands, Planning and the Environment, to the satisfaction of the consent authority.

## GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawing numbered 2013/0241/1, endorsed as forming part of this permit.
3. Prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Darwin's stormwater drainage system shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority. The plan shall include details of site levels and Council's stormwater drain connection point/s.
4. 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.

## NOTES:

1. This development permit does not grant 'building approval' for the proposed structure. The Building Code of Australia requires that any structure within 900mm of a boundary meets minimum fire resistance level requirements, and accordingly you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing demolition or construction works.
2. 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 in order to determine the servicing requirements of the Corporation, and the need for upgrading of on-site and/or surrounding infrastructure.
3. 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.
4. City of Darwin By-laws do not permit vehicular access gates to be opened outwards over the nature strip or footway.

## REASONS FOR THE DECISION

1. The proposed development is consistent with the primary purpose of Zone SD (Single Dwelling) to provide for single dwellings on individual lots.
2. A variation to the requirements of clause 7.3 (Building Setbacks of Residential Buildings) for reduced front and side setbacks is acceptable as



the shade sail is not expected to result in any significant massing effects when viewed from the street or adjoining properties. The sail and associated support columns, with widths of approximately 0.1m, will form the only element of the structure of any noticeable mass, which will mean that the visual impact should be minimal. The shade sail will be attached to the house and supported by three posts to a height of 2.3m, 2.5m and 2.3m respectively, and is not considered to result in any noticeable impact on breeze penetration to the existing building or those in the vicinity.

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

**ITEM 6**  
**PA2013/0343**

**3 X 3 AND 2 X 4 BEDROOM MULTIPLE DWELLINGS IN 2 X 2 STOREY BUILDINGS**

**APPLICANT**

**LOT 5486 (13) BAYVIEW STREET, TOWN OF DARWIN**  
**CONCEPT DESIGNS (NT) PTY LTD**

Mr George Savvas (Concept Designs (NT) Pty Ltd) attended and tabled amended plans including a vehicle swept path diagram and alternative options for the location of the garage to unit one.

Submitters in attendance:- Ms Jodie Ksiazek, Mr Nic Sofocleous, Ms Athena Sofocleous and Mr Peter Jelly who tabled his submission.

**RESOLVED**  
**143/13**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 5486 (13) Bayview Street, Town of Darwin for the purpose of 3 x 3 bedroom and 2 x 4 bedroom multiple dwellings in 2 x 2 storey buildings, and require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

- Amendments to the design of unit one so that it achieves a compliant building length (i.e. a building length that does not exceed 18m and that complies with Clause 7.3.1 of the NT Planning Scheme);
- Reconfiguration of the garage to unit one to allow a more functional and convenient parking arrangement that complies with the requirements of Clause 6.5.3 and allows vehicles accessing the garage to do so without traversing the width of the site in order to turn around;
- Screen treatment to the balcony of unit two that prevents undue overlooking of adjacent Lot 5487;
- Provision of a communal waste bin enclosure as requested by the City of Darwin, or written confirmation from the Council of its acceptance of alternative arrangements for rubbish bin storage on the site; and
- Confirmation from the Power and Water Corporation that indicates preliminary acceptance of the requested 1m x 1m electricity easement's location.

**ACTION:** Advice to Applicant

**RESOLVED  
144/13**

That, pursuant to section 86 of the *Planning Act*, the Authority delegates to Grant Tambling (Presiding Member at the 21 June 2013 DCA meeting), the power under section 53 of the Act to determine the application to develop Lot 5486 (13) Bayview Street, Town of Darwin for the purpose of 3 x 3 bedroom and 2 x 4 bedroom multiple dwellings in 2 x 2 storey buildings, subject to:

- Receipt of suitably amended plans showing additional screening and revisions to the design of unit one, its garage and the vehicle parking area.
- Confirmation of the acceptance of the specified service authorities relating to proposed waste bin storage and the electricity easement.

and conditions as determined by the delegate.

**REASON FOR THE DECISION**

1. Pursuant to section 46(4)(b) of the *NT Planning Act*, the Authority may defer its consideration of the proposal and require submission of additional information. The deferral will allow submission of plans and supporting information that both clarify functionality of the design and confirm acceptance of the layout and location of services by service authorities.

**ACTION:** Advice to applicant

**ITEM 7  
PA2013/0347  
APPLICANT**

**1 X 2 AND 2 X 3 BEDROOM MULTIPLE DWELLINGS IN A SINGLE STOREY  
BUILDING  
LOT 10579 (7) NEWMARCH STREET, TOWN OF NIGHTCLIFF  
RAW DESIGNS**

Mr Robert Watt (Raw Designs) and Mr Manuel Petsalis attended.

**RESOLVED  
145/13**

That, the Development Consent Authority vary the requirements of Clause 6.5.3 (Parking Layout) 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 Lot 10579, 7 Newmarch Street, Town of Nightcliff for the purpose of 1 x 2 and 2 x 3 bedroom multiple dwellings in a single storey building, subject to the following conditions:

**CONDITIONS PRECEDENT**

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - (a) The private open space areas of each dwelling screened on each boundary by:
    - (i) the erection of a solid wall or screen fence not less than 1.8 metres high:  
or
    - (ii) fenced to a height not less than 1.8 metres high and planted with dense vegetation (heights at maturity to be noted on site plan).

- (b) The location of water meter arrangements and sewer access points;
  - (c) Any existing and proposed easements, substations and services (refer to easement shown on survey plan LTO2011/106B and matters identified in Power and Water Corporation correspondence dated 17/05/2013 and 27/05/2013).
2. Prior to the endorsement of plans and prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Darwin stormwater drainage system shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority. The plan shall include details of site levels and Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system.
  3. Prior to the commencement of works, the applicant is to submit a Waste Management Plan demonstrating waste disposal, storage and removal, to the requirements of the City of Darwin and to the satisfaction of the consent authority.

#### **GENERAL CONDITIONS**

4. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities and telecommunication networks to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
6. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
7. 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.
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, to the satisfaction of the consent authority.
9. Storage for waste disposal bins is to be provided to the requirements of City of Darwin to the satisfaction of the consent authority.

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. Before the use or occupation of the development starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
  - (a) constructed;
  - (b) properly formed to such levels that they can be used in accordance with the plans;
  - (c) surfaced with an all-weather-seal coat;
  - (d) drained;
  - (e) line marked or suitably delineated to indicate each car space to the satisfaction of the consent authority.Car spaces, access lanes and driveways must be kept available for these purposes at all times.
12. 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.
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 of at 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. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
17. No polluted and/or sediment laden run-off is to be discharged directly or indirectly to City of Darwin drains or to any watercourse.

**NOTES:**

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

2. The Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency's Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
3. 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. Notwithstanding the approved plans, any works and/or landscaping within City of Darwin's road reserve is subject to City of Darwin approval and shall meet all of City of Darwin's requirements, to the satisfaction of and at no cost to the City of Darwin.
5. The Power and Water Corporation advises 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.

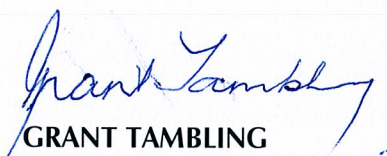
## **REASONS FOR THE DECISION**

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. The proposed development is consistent with the purpose of Zone SD23 (Specific Use Darwin No. 23) of the Northern Territory Planning Scheme, being to facilitate the subdivision, use and development of the land as a residential estate that provides for housing choice through a range of lot sizes and housing types.
2. Variations to Clause 6.5.3 (Parking Layout) of the NT Planning Scheme for:
  - a car parking area to be located less than 3m from a street frontage; and
  - a driveway width of 4.5m (at its narrowest point – if required by City of Darwin) instead of the required 6m, are considered satisfactory in this instance as the proposed design (as amended) will ensure that all car parking bays and driveway areas are considered useable, functional, sightlines are maintained and convenient and in accordance with the intent of the clause and is appropriate for the minimal vehicular movements of a low density multiple dwelling development. The landscaping once established is expected to satisfactorily respond to the relevant objectives of the NT Planning Scheme.

3. City of Darwin advises that it is the sole authority responsible under the *Local Government Act* and associated by-laws for stormwater drainage and waste management, and as such it has requested details of the collection and discharge of stormwater run-off and the storage and disposal of waste.
4. Pursuant to section 51(h) of the *Planning Act* the consent authority must take into consideration the merits of the proposal. The proposal will benefit the local community through the provision of additional residential accommodation.
5. Pursuant to section 51(m) of the *Planning Act*, the Development Consent Authority must take into consideration the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities or infrastructure to be provided by the developer for that purpose. The Power and Water Corporation has advised that areas of the site need to be set aside for connections to power, water and sewer services and a easement and associated infrastructure is located on the site. These locations should be identified on the site plan.
6. Pursuant to section 51(n) of the *Planning Act* the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated. The proposed development is appropriate for the site and locality. The proposed development is located within Zone SD23 (Specific Use), and compliant with the majority of controls in the NT Planning Scheme, including being below the density level permitted through Clause 7.1.1 (Residential Density Limitations). Consideration has also been given to the streetscape and existing dwellings on Newmarch Street, noting the roadway separation of approximately 17m, building setbacks in excess of the minimum standards contained in the Planning Scheme and revisions to fencing and landscaping detail to soften the development's impact.
7. The application was publicly exhibited in accordance with the *Planning Act* and *Planning Regulations*. No public submissions were received.

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

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

  
GRANT TAMBLING  
Delegate

26/6/13