



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 182 – FRIDAY 3 FEBRUARY 2012

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

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

APOLOGIES: Nil

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

COUNCIL REPRESENTATIVE: Drosso Lelekis (Item 5 only)

Meeting opened at 9.45 am and closed at 12.15 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 **3 STOREY SINGLE DWELLING**
PA2011/0762 **LOT 7733 (18) DUKE STREET, TOWN OF DARWIN**
APPLICANT **YELLOWCITY PTY LTD**

Mr Terry Nixon (Yellowcity Pty Ltd) and Mr John Brears (owner) attended.

Mr Nixon tabled amended elevations.

RESOLVED That, pursuant to Section 53(a) of the *Planning Act*, the Development Consent
18/12 Authority consent to the application to develop Lot 7733 (18) Duke Street, Town of Darwin for the purpose of a 3 storey single dwelling subject to the following conditions:

CONDITION PRECEDENT

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

GENERAL CONDITIONS

2. The development carried out under this permit shall be in accordance with drawing number 2011/0762 endorsed as forming part of this permit.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity services to the land shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.
4. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
5. The 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 Department of Lands and Planning and/or Darwin City Council, to the satisfaction of the consent authority.

6. The kerb, crossovers and driveways to the site approved by this permit are to meet the technical standards of Darwin City Council and/or the Department of Lands and Planning as the case may be, to the satisfaction of the consent authority.
7. 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.
8. Storage of waste disposal bins is to be provided to the requirements of Darwin City Council, to the satisfaction of the consent authority.
9. No part of the dwelling may exceed 8.5 metres above ground level as measured from the existing surface level of the site, to the satisfaction of the consent authority.

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/ or surrounding infrastructure.
2. Notwithstanding the approved plans, any works and/ or landscaping within Council's road reserve is subject to Council's approval and shall meet all Council's requirements to the satisfaction of the General Manager or Infrastructure, Darwin City Council and at no cost to Council.

REASONS FOR THE DECISION

1. The proposed development is consistent with the primary purpose of Zone SD20 (Specific Use Darwin 20), which is to "facilitate the subdivision, use and development of the land for a residential estate".
2. A variation to the requirements of Clause 7.1.2 (Residential Height Limitations) for a 3 storey dwelling is satisfactory in this instance as the 3 storey section is located largely below ground level within the upper tier of the site, will not be readily noticeable from outside the site, and therefore will not adversely affect the amenity of the surrounding area.
3. Darwin City Council 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 for this proposal.

ACTION: Notice of Determination

ITEM 2
PA2011/0660

11 X 2 BEDROOM MULTIPLE DWELLINGS IN A 4 STOREY BUILDING WITH
BASEMENT CARPARKING
LOT 4687 (36) GOTHENBURG CRESCENT, TOWN OF DARWIN
RANDAL ASHFORD

APPLICANT

DAS tabled further comments from Darwin City Council.

Mr Randal Ashford and Mr Matthew Tomazo (developer) attended.

Submitters Mr Colin Freeman and Mr Drosso Lelekis attended.

RESOLVED
19/12

That, pursuant to section 53(c) of the *Planning Act*, the Development Consent Authority refuse to consent to the application to develop Lot 4687 (38) Gothenburg Crescent, Town of Darwin for the purpose of 11 x 2 bedroom multiple dwellings in a 4 storey building plus basement car parking, for the following reasons:

REASONS FOR DECISION

1. The proposal does not comply with the technical requirements or the purpose of Clause 7.3 (Building Setback of Residential Buildings) of the Northern Territory Planning Scheme. The proposal presents a noncompliance to the front, rear and side boundaries of the site including presenting a 2.7m high inactive façade to the basement car park a minimum of 1m from the front boundary. The primary justification provided for the non-compliances was associated with the topography of the site comprising special circumstances which justifies the giving of consent. It is the view of the consent authority that the topography is not an out of the ordinary, unusual or not to be expected characteristic of the site and is also an obvious site characteristic, one which could be taken account in the design, rather than one which justifies poor street and side boundary interfaces and overbearing visual bulk. Irrespective of special circumstances, the proposal does not uphold the purpose of Clause 7.3 in that the development by virtue of its bulk and scale and its poor street interface is incompatible with the streetscape and surrounding development.
2. The proposal presents a development that is 31% over the density requirements of Clause 7.1.1 (Residential Density Limitations). This is a density of one dwelling per 65m² rather than one dwelling per 85m² as the clause requires. The primary justification provided for the non-compliance was the topography of the site comprising special circumstances which justifies the giving of consent. Whilst there is some merit in the argument that a basement construction for car parking can allow the above ground development to be a greater intensity (as the site is free of the constraint to provide car parking where providing the remainder of the NT Planning Scheme requirements), the basement in this instance is not a complete basement at the street and compromises the design of the building and the streetscape in such a way which it cannot be supported. The additional units accommodated on the site contribute to the large mass of the building which is incompatible with surrounding development, impinges on the streetscape and compromises

1. The use of the land is for the purpose a medical clinic comprising one consulting room only unless further consent of the consent authority is obtained.

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/ or surrounding infrastructure.
2. Notwithstanding the approved plans, all signage is subject to Darwin City Council approval, at no cost to Council.

REASON FOR THE DECISION

The proposal is consistent with the primary purpose of Zone C (Commercial) which is to provide for a range of business and community uses.

ACTION: Notice of Consent and Development Permit

ITEM 4
PA2011/0880
APPLICANT

ALFRESCO DINING AREA WITHIN ADJOINING PUBLIC OPEN SPACE
LOTS 2357 (50) & 2358 (52) THE MALL, TOWN OF DARWIN
BELL GABBERT ASSOCIATES PTY LTD

The applicant did not attend.

RESOLVED
21/12

That, pursuant to section 53(b) of the *Planning Act*, the Development Consent Authority alter the proposed development and consent to the proposed development as altered to develop Lots 2357 (50) and 2358 (52) The Mall, Town of Darwin for the purpose of an alfresco dining area within the adjoining public open spaces, 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 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 dimensioned public thoroughfare, parallel to and abutting the façade to Raintree Park of the subject tenancy.

GENERAL CONDITIONS

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

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

3. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, and electricity services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to Darwin City Council, to the satisfaction of the consent authority.
6. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council to the satisfaction of the consent authority.

NOTES:

1. Darwin City Council advises that, notwithstanding the approved plans, the portion of the development on Lot 2358 shall meet Council policy No. 11 – Outdoor Dining, to the satisfaction of the General Manager of Infrastructure, Darwin City Council, and be at no cost to Council.
2. Darwin City Council advises that any signage for the site shall be wholly within the subject site and subject to Council Policy No. 42 – Outdoor Advertising Signs Code. In addition, any landscaping works within Council's road reserve are subject to Council's approval, and shall meet Council's requirements to the satisfaction of the General Manager of Infrastructure, Darwin City Council, and at no cost to Council.
3. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

REASONS FOR THE DECISION

1. The proposal is consistent with the primary purpose of Zone CB (Central Business), which is, "to provide for a diversity of activities including administrative, judicial, professional, office, entertainment, cultural, residential and retail and other business activities, with a commitment to the separation of incompatible activities". The use of this space for alfresco dining is considered a positive introduction to the city and is compatible with existing uses in the vicinity, with other alfresco uses already in place for portions of Lot 2358 by those commercial tenancies on Lot 2357.

2. A reduction of 2.3 carparking spaces is supported through clause 6.5.2 (Reduction in Parking Requirements) as there are a large number of parking spaces in the vicinity of the site, most of which will be available at the expected peak time of the related restaurant, thereby resulting in the efficient utilisation of resources in the Darwin CBD.

ACTION: Notice of Consent and Development Permit

ITEM 5
PA2011/0682

16 X 1 BEDROOM AND 24 X 2 BEDROOM MULTIPLE DWELLINGS AND ONE LEVEL OF COMMERCIAL TENANCIES IN A 14 STOREY BUILDING
LOT 2309 (31) THE MALL, TOWN OF DARWIN

APPLICANT

KAPETAS & ASSOCIATES

Mr George Kapetas (Kapetas & Associates) and Mr Ross Connolly (MKEA Architects) attended.

RESOLVED
22/12

That the Development Consent Authority vary the requirements of clause 6.5.1 (Parking Requirements) of the Northern Territory Planning Scheme, and pursuant to section 53(b) of the *Planning Act*, alter the proposed development and consent to the proposed development as altered to develop Lot 2309 (31) The Mall, Town of Darwin for the purpose of 16 x 1 bedroom and 24 x 2 bedroom multiple dwellings and one level of commercial tenancies in a 14 storey, 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 the treatments to all blank facades to reduce the visual bulk and mass of these walls and provide visual interest.
2. Prior to endorsement of plans and prior to commencement of works (including site preparation), the applicant is to prepare a schematic plan demonstrating all stormwater to be collected on the site and discharged underground to Council's stormwater drainage system, to the requirements of Darwin City Council and to the satisfaction of the consent authority.
3. Prior to the commencement of works (including site preparation) a waste management plan in accordance with Council's Waste Management Policy is required to be submitted, to the requirements of Darwin City Council, to the satisfaction of the consent authority. It is noted that the proposed loading bay is to be used for waste removal purposes, and this is to be completed to the requirements of Darwin City Council, to the satisfaction of the consent authority.

4. Prior to the commencement of works (including site preparation) a 'traffic study', prepared by a suitably qualified traffic engineer, shall be prepared to the requirements of Darwin City Council, to the satisfaction of the consent authority. This study is to assess possible intersection upgrading, revised egress from the West Lane carpark, and is to examine access (eg. crossing facilities) for pedestrians and cyclists.
5. A landscaping plan, prepared by a suitably qualified professional, is required to be submitted for the level 5 podium area and the roof space. The plan is to include a planting schedule specifying plant species, quantities, and the expected size at maturity for all plants to be provided on site, taking into consideration the available soil depth.

GENERAL CONDITIONS

6. Works carried out under this permit shall be in accordance the plans endorsed as forming part of this permit.
7. 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.
8. Before the use commences the developer/ owner must pay a monetary contribution to Darwin City Council in accordance with Council's Carparking Contribution Plan in lieu of the shortfall of 4 space shortfall, to the satisfaction of the consent authority. Payment is to be made as per Council's Contribution Plan at the time of payment.
9. Before the use commences the developer/ owner must, in accordance with Part 6 of the *Planning Act*, pay a monetary contribution to Darwin City Council in accordance with Council's Developer Contributions Plans for Stormwater Drainage Works for Darwin Zone H, to the satisfaction of the consent authority.
10. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and telecommunications services to the land shown on the endorsed plan in accordance with the authorities' requirements.
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 Darwin City Council, 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 Darwin City Council, to the satisfaction of the consent authority.
13. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways;
 - (c) collect stormwater and discharge it to the drainage network; and
 - (d) undertake reinstatement works;

all to the technical requirements of, and at no cost to, Darwin City Council, and to the satisfaction of the consent authority.

14. Before the use or occupation of the development starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat; 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.
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. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
17. Before the use/ occupation of the development starts, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
18. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
19. All air-conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed to ground level in a controlled manner to the satisfaction of the consent authority.
20. All balconies are to be internally drained and discharge is to be disposed of at ground level and in a manner consistent with stormwater disposal arrangements for the site to the satisfaction of the consent authority.
21. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council, to the satisfaction of the consent authority.

NOTE:

1. PAWC advise that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and the Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of one month prior to construction works commencing to determine servicing requirements and the need for upgrading of infrastructure.

2. Notwithstanding the approved plans, proposed landscaping, footpaths and other works within the road reserve are subject to Council's approval and shall meet all Council's requirements to the satisfaction of the Darwin City Council and at no cost to Council.

REASONS FOR THE DECISION

1. The proposal is consistent with the primary purpose of Zone CB (Central Business), which is, "to provide for a diversity of activities including administrative, judicial, professional, office, entertainment, cultural, residential and retail and other business activities, with a commitment to the separation of incompatible activities".
2. The requirement for amended plans to show the treatments to all blank facades will minimise expanses of blank walls as required by Clause 8.2 (Commercial and other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T).
3. Payment in lieu is supported to allow the off-site provision of 4 carparking bays through a monetary contribution to Council in accordance with the *Planning Act*, as the provision of parking for commercial uses in a publicly accessible centralised pool promotes land use efficiency and improves the availability of parking to the full community.
4. A variation to clause 6.3.2 (Volumetric Control in Central Darwin) of the Planning Scheme is supported as the 3m setbacks to the eastern/ side and western/ side boundaries are a direct result of the narrowness of the site, while still giving concession to the purpose of the clause, to ensure that the siting and mass of the building promotes a built form that maximises the potential for view corridors to Darwin harbour, allows for the penetration of daylight and the circulation of breezes between buildings and does not result in any privacy impacts for residents of adjoining properties.
5. A variation to clause 6.3.3 (Urban Design Requirements in Central Darwin) of the Planning Scheme is supported as the development is in clear response to the characteristics of the site, focussing on the main frontage of the Smith Street Mall, with commercial uses and pedestrian permeability, while the West Lane frontage is constrained by the need to include a fire exit, substation and vehicular entrance. The level of 'activity' is an acceptable solution between the need to make the development workable, and to appropriately address the purpose of the clause.
6. A variation to the requirements of clause 6.5.3 (Parking Layout) of the Planning Scheme is supported as the narrow nature of the site represents an unusual circumstance and it is recognised that carparking area will be constructed in accordance with Australian Standard AS 2890.1 Off-Street Carparking, and that this area will accordingly satisfy the purpose of clause 6.5.3, to ensure that a carparking area is appropriately designed,

constructed and maintained for the intended purpose of vehicle parking. Confirmation that the design of the carparking area meets AS 2890.1 is provided through the traffic study prepared by i3 consultants.

7. Darwin City Council requires a stormwater drainage plan to confirm that it is technically feasible to collect stormwater on the site and dispose of it into its stormwater drainage system, and that stormwater will not sheet-flow into the road reserve or onto adjoining properties.
8. A waste management plan is required in order to show that waste can be removed from the site in accordance with Council's policy and without unduly impacting on traffic flows through West Lane and that the loading bay has been appropriately designed.
9. Confirmation of the appropriateness of the traffic study is required to assess the impacts of the development on the surrounding road network, particularly with regard to the West lane carpark. The study will determine whether any upgrade works will be required to ensure the adequacy of the road network, and is to consider the impact of the development on cyclists and pedestrian, and to determine whether new works will be required to the existing footpaths and related infrastructure.
10. Provision of a detailed landscaping plan from a suitably qualified professional will ensure that appropriate species will be provided to this space and that the area will be of amenity value to residents, with sufficiently tall trees to be included on the open space areas on level 5 and the roof.

ACTION: Notice of Consent and Development Permit

ITEM 6
PA2011/0908
APPLICANT

WAREHOUSE, SHOWROOM SALES AND OFFICES IN A SINGLE STOREY BUILDING
PORTIONS 1138 & 1318 (62) & (58) WINNELLIE ROAD, HUNDRED OF BAGOT
GROUP 1 CONSULTING

Mr John Berryman (Group 1 Consulting), Mr Mathew Lee and Mr Chris Giannikouris (developers) attended.

Mr Berryman tabled a revised site plans (2 plans), 15 pages showing carparking utilisation at 1pm on 2.2.12 and 10 pages showing a google earth snapshots showing Winnellie Road and surrounding area.

RESOLVED
23/12

That, pursuant to section 53(b) of the *Planning Act*, the Development Consent Authority alter the proposed development and consent to the proposed development as altered to develop Portions 1138 & 1318 (62) & (58) Winnellie Road, Hundred of Bagot for the purpose of a warehouse, showroom sales and offices 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) Car park number 68 to be retained;
 - b) Car parks number 46 and 47 deleted and nominated as vehicle turning areas;
 - c) A solid fence to screen the bin enclosure; and
 - d) Landscaping details of the road reserve to lessen the visual impact of the car parking area and to Darwin City Council's requirements.
2. Prior to the commencement of works (including site preparation) a schematic plan is to be provided, demonstrating that all stormwater can be collected on the site and discharged to Council's stormwater drainage, to the requirements of Darwin City Council. This plan is to include details of site levels and stormwater drain connection points within the vicinity of the site.

GENERAL CONDITIONS

3. Works carried out under this permit shall be in accordance with 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 kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Darwin City Council, to the satisfaction of the consent authority.
6. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity services to the land shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.
7. Before the use or occupation of the development starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat;
 - (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 all access lanes; all to the satisfaction of the consent authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.

8. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers/ or driveways;
 - (b) provide footpaths/ cycleways;
 - (c) collect stormwater and discharge it to the drainage network; and
 - (d) undertake reinstatement works;all to the technical requirements of and at no cost to the Darwin City Council, to the satisfaction of the consent authority.
9. The car parking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their visitors/ clients.
10. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council to the satisfaction of the consent authority.
11. The loading and unloading of goods from vehicles must not disrupt the circulation and parking of vehicles on the land.
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.

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. Notwithstanding the approved plans, proposed landscaping, footpaths and other works within the road reserve are subject to Council's approval and shall meet all Council's requirements to the satisfaction of the Darwin City Council and at no cost to Council.

REASONS FOR THE DECISION

1. The development is consistent with the form of development expected within Zone LI (Light Industry) of the Northern Territory Planning Scheme.
2. A variation to the requirements of clause 9.1.1 (Industrial Setbacks) to provide less than 3 metres of landscaping along the front boundary is supported since the required landscaping will be provided within the abutting Darwin City Council road reserve thereby softening the visual impact of the development.

3. The applicant has provided satisfactory information to demonstrate that the loading bays have adequate access and the proposal complies with Clause 6.6 (Loading Bays).
4. The requirement for amended plans showing a vehicle turning area will ensure the development complies with Clause 6.5.3 (Parking Layout).
5. Pursuant to Clause 6.5.2 (Reduction in Parking Requirements) a reduction of 23 (from 78 to 55) car parking spaces is supported as the proposal includes the construction of 22 car parking spaces in the Winnellie Road road reserve which provides for the provision of alternative car parking spaces in the vicinity of the land. Furthermore, the applicant has provided details of the existing car parking arrangements of the locality which demonstrates the inclusion of landscaping and car parking to the road reserve will be a positive introduction and no car parking issues are likely to result.

ACTION: Notice of Consent and Development Permit

ITEM 7 **CHANGE OF USE TO LEISURE AND RECREATION (24 HOUR GYMNASIUM)**
PA2011/0915 **(PART UNIT 23)**
LOT 9308 (54) BRADSHAW TERRACE, TOWN OF NIGHTCLIFF
APPLICANT **TOWN PLANNING ALLIANCE**

The applicant sent his apologies.

RESOLVED That the Development Consent Authority vary the requirements of clause 6.5.1
24/12 (Parking Requirements), as permitted through clause 6.5.2 (Reduction in Parking Requirements), of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 9308 (54) Bradshaw Terrace, Town of Nightcliff for the purpose of the change of use of Part Unit 23 to leisure and recreation (24-hour gymnasium), subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans, and prior to commencement of works (including site preparation), a plan is to be provided that clearly identifies the precise bounds of the subject tenancy on Lot 9308, Town of Nightcliff, to the satisfaction of the consent authority.

GENERAL CONDITIONS

2. Works carried out under this permit shall be in accordance the plans endorsed as forming part of this permit.
3. The use and/or development as shown on the endorsed plans must not be altered without the further consent of the consent authority.

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

NOTES:

1. Notwithstanding the approved plans, all signage is subject to Council's approval and shall meet all Council's requirements to the satisfaction of the Director of Technical Services, Darwin City Council at no cost to Council.
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

REASONS FOR THE DECISION

1. The proposal accords with the primary purpose of Zone C (Commercial), being "to provide for a range of business and community uses, with 'leisure and recreation' being a listed consent activity in the zone.
2. A reduction in the number of carparking spaces (from 307.22 to 307) is supported through clause 6.5.2 (Reduction in Parking Requirements) of the Northern Territory Planning Scheme due to the following factors:
 - The minor nature of the shortfall, being for 0.22 spaces.
 - The high number of existing parking spaces available on Lot 9308 and nearby commercial lots.
 - The differing peak demands that exist for the other existing commercial uses in the locality, which are not expected to be busy in the mornings and at nights.
 - The lack of classes being run from the site means that the gym is of a less intense nature than many other similar uses.
 - The likelihood of cross utilisation of parking spaces by those working or shopping in the locality.
 - The proximity to the Darwin bus interchange on Lot 9577.

ACTION: Notice of Consent and Development Permit

ITEM 8
PA2011/0780

1 X 4 BED AND 1 X 7 BED SUPPORTING ACCOMMODATION IN 2 SINGLE STOREY BUILDINGS

APPLICANT

**LOT 7714 (37) HENBURY AVENUE, TOWN OF NIGHTCLIFF
MKEA ARCHITECTS PTY LTD**

Mr Tony Hogan (MKEA Architects) attended.

**RESOLVED
25/12**

That pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 7714, (37 Henbury Avenue, Town of Nightcliff for the purpose of a development comprising 1 x 4 bed and 1 x 7 bed supporting accommodation in 2 single storey buildings subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the 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) Plans that detail air conditioning screening that demonstrate air conditioners are adequately concealed from public view;
 - (b) Plans that detail the dimensions and sizes of private open space areas that includes detail of fencing that demonstrates an adequate visual barrier to adjoining residences and/or public areas in accordance with clause 7.5 (Private Open Space).
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 Darwin City Council.
3. Prior to the commencement of works (including site preparation), a 'Comprehensive Traffic Management Plan' shall be prepared to the satisfaction of the Department of Lands and Planning's Public Transport Division that addresses the ongoing provision of public transport services during construction, to the satisfaction of the consent authority.
4. Prior to the commencement of works (including site preparation) a 'traffic study', prepared by a suitably qualified traffic engineer, shall be prepared to the requirements of Darwin City Council, to the satisfaction of the consent authority. This study is to assess the impact of the proposed development on the surrounding road network, including the subject sites proposed access/egress point to Henbury Avenue.
5. Prior to the commencement of works (including site preparation) a detailed landscape plan to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plan will be

endorsed and will then form part of the permit. Plans must be drawn to scale with dimensions and two copies must be provided. The plan must show:

- (a) details of surface finishes of pathways and driveways;
- (b) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
- (c) landscaping and planting within the area immediately adjacent to proposed works;
- (d) existing vegetation to be retained and removed

All species selected must be to the satisfaction of the consent authority.

GENERAL CONDITIONS

6. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
7. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity, water, sewerage and telecommunication services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
8. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
9. 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.
10. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
11. Before the occupation of the development starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat;
 - (d) drained;
 - (e) line marked to indicate each car space and all access lanes; and
 - (f) clearly marked to show the direction of traffic along access lanes and driveways;to the satisfaction of the consent authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.
12. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;

- (b) provide footpaths/cycleways;
 - (c) collect stormwater and discharge it to the drainage network; and
 - (d) undertake reinstatement works;
- all to the technical requirements of and at no cost to the Darwin City Council and to the satisfaction of the consent authority.
13. The car parking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their visitors/ clients.
 14. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Darwin City Council to the satisfaction of the consent authority.
 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. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council to the satisfaction of the consent authority.
 17. 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.
 18. All substation, fire booster and water meter arrangements are to be appropriately screened to soften the visual impact of such infrastructure on the streetscape. Details will need to be resolved to the satisfaction of the consent authority in consultation with the Power and Water Corporation, and Fire and Emergency Services.
 19. 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. A "Permit to Work Within a Road Reserve" may be required from Darwin City Council before commencement of any work within the road reserve.
2. There are statutory obligations under the *Weeds Management Act 2001* to take all practical measures to manage weeds on the property.
3. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the Building Code of Australia, the NT Public Health Act and Regulations, the NT Food Act and National Food Safety Standards.
4. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au)

should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

REASONS FOR THE DECISION

1. 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. Upon receipt of amended plans the proposal will be fully compliant with relevant provisions of the NT Planning Scheme.
2. The proposal is generally consistent with the primary purpose of the zone which is '*to provide for community services and facilities, whether publicly or privately owned or operated, including facilities for civic and government administration*'. The support of patients suffering severe physical disabilities and behavioural disorders is an essential service to the community. The development is within good proximity to hospital/medical services and other service agencies and facilities. The development of a centre that provides respite and rehabilitation for such patients is a valued and essential service within the community.
3. The site has generous areas of open space and remnant vegetation which can provide a reasonable degree of tranquillity for patients. Plans for landscaping and amended plans detailing screening are expected to demonstrate that the nature of the development will be amenable to the treatment and care of patients, providing tranquillity and a visual barrier between adjoining residences and public spaces and maintaining the amenity of the area.
4. The requirement for a Traffic Management Plan can ensure that buses travelling on Willeroo Street and Henbury Avenue can be assured uninterrupted traffic flow.
5. The requirement for a traffic study can ensure that Darwin City Council be informed of the developments impact on the surrounding road network, including the subject site's proposed access/egress point to Henbury Avenue.

ACTION: Notice of Consent and Development Permit

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



PETER MCQUEEN
Chairman

15/2/12