



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 183 – FRIDAY 17 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 Peter Sdraulig, for
part of the meeting Michael O'Neill, Jamie Castles and Israel Kgosiemang
(Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 9.30 am and closed at 12.30 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 **4 X 3 BEDROOM MULTIPLE DWELLINGS IN 2 X 2 STOREY BUILDINGS**
PA2011/0966 **LOT 2010 (17) QUEEN STREET, TOWN OF DARWIN**
APPLICANT **GEORGE SAVVAS**

Mr George Savvas and Mr Nick Scaturchio (owner) attended.

Mr Savvas tabled an amended site plan.

Submitters Mr Ken Kirkman and Ms Agnes McGrath sent their apologies.

Submitter Mr Robert Dixon attended and tabled a response from Council to his queries on various existing and potential issues on Queen Street.

Submitter Ms Christine Bond (Chair Body Corporate 20 Queen Street, facing this lot) attended.

RESOLVED
26/12

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 2010 (17) Queen Street, Town of Darwin for the purpose of 4 x 3 bedroom multiple dwellings in 2 x 2 storey buildings to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

1. Reconsideration of the proposal with a view to increasing setbacks to Queen Street, or demonstration as to why setbacks cannot be increased and/or comply with Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme. Justification for any continued non-compliant setbacks should also be provided. The justification should be in the context of special circumstances which justify the giving of consent.
2. Any amendments to the application that arise as a result of the above information request.
3. Confirmation from Darwin City Council that the location of the proposed vehicle crossover is in the preferred location and will have the least impact on vehicular traffic.

REASONS FOR THE DECISION

1. Reconsideration of proposed setbacks and justification for any areas of non-compliance is required as, pursuant to Clause 2.5 (Exercise of Discretion by the Consent Authority), consent can only be given if the consent authority is satisfied that special circumstances justify the giving of consent.

2. Confirmation from Darwin City Council regarding the location of the proposed vehicle crossover is required to ensure that vehicle access is provided in the preferred manner and will not unreasonably impinge on vehicular traffic on abutting and nearby roads.

ACTION: Advice to Applicant

ITEM 2
PA2011/0951
APPLICANT

CHANGES TO DP10/0349 TO PROVIDE 2 ADDITIONAL DWELLING UNITS
LOT 8105 (5) GARDINER STREET, TOWN OF DARWIN
STOREY AND CASTLE PLANNING PTY LTD

DAS tabled an addendum.

Mr Michael Anthony (owner) and Mr Andrew Bentley attended.

RESOLVED
27/12

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 8105 (5) Gardiner Street, Town of Darwin for the purpose of changes to DP10/0349 to provide two additional dwelling units at Level 10, subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with drawings numbered 2011/0951/1 through to 2011/0951/4, endorsed as forming part of this permit.
2. This condition superseded condition 9 of DP10/0349. The car parking spaces comprises this development are to be allocated to each residential unit and commercial unit in accordance with the requirements of clause 6.5.1 (Parking Requirements of the Northern Territory Planning Scheme to the satisfaction of the consent authority.
3. Before the use commences the owner must meet all conditions of this permit and development permit DP10/0349, to the satisfaction of the consent authority.

NOTES:

1. 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.
2. 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.

3. Power and Water Corporation advises that an upgrade of the existing DN100 to DN225 water reticulation main along Gardiner Street is required and is to be paid by the developer.
4. Power and Water Corporation advises that an upgrade of the existing sewerage network will be required to be paid by the developer on a pro-rata basis.

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 application does not result in any additional non-compliances beyond those granted through development permit DP10/0349 and will not impact on adjacent premises or be noticeable from the street, and will not result in any carparking shortfall.
3. All conditions of development permit DP10/0349 must be met before the use approved by the subject application commences to ensure that all matters raised through PA2010/0185 are addressed appropriately for the subject application, which seeks to amend the layout of one of the levels approved through DP10/0349, and clearly has a direct link to this permit.

ACTION: Notice of Consent and Development Permit

ITEM 3 **MIXED USE DEVELOPMENT COMPRISING A SHOP, RESTAURANT, 26 MOTEL SUITES, 20 X 2 BEDROOM SERVICED APARTMENTS (DUAL KEY) AND A CARETAKERS RESIDENCE IN A 3 STOREY BUILDING**
PA2011/0973 **PORTIONS 1092 & 1145 (6) & (4) BERRIMAH ROAD, HUNDRED OF BAGOT**
APPLICANT **BELL GABBERT ASSOCIATES PTY LTD**

Mr Wayne Gabbert (Bell Gabbert Associates) attended and tabled further information and amended plans (total 9 pages).

RESOLVED That, the Development Consent Authority determine to reduce the car parking requirements pursuant to Clause 6.5.2 (Reduction in Parking Requirements) of the NT Planning Scheme and vary the requirements of Clause 7.5 (Private Open Space) and Clause 7.6 (Communal Open Space) of the NT Planning Scheme, and pursuant to section 53(b) of the *Planning Act*, alter the proposed development and consent to the proposed development as altered to develop Portions 1145 & 1092 (4 & 6) Berrimah Road, Hundred of Bagot for the purpose of a mixed use development comprising a shop, motel with 26 suites & restaurant, 20 x 2 bedroom (dual key) serviced apartments, and caretakers residence, subject to the following conditions:
28/12

CONDITIONS PRECEDENT

1. Prior to the commencement of works (excluding site preparation) the owner of the land is to prepare a Traffic Impact Assessment (TIA) of the road safety and operational capacity of the development links to the arterial road network. The TIA is to be to the requirements of the Road Network Division of the Department of Lands and Planning, to the satisfaction of the consent authority.
2. Prior to endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a schematic plan demonstrating all stormwater to be collected on the site and discharged underground to Council's stormwater drainage system, to the requirements of Road Network Division of the Department of Lands and Planning and/or Darwin City Council as the case may be, to the satisfaction of the consent authority.
3. Prior to the commencement of works (including site preparation) a full set of amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) deletion of the two-way vehicle access and its replacement with one-way access consistent with the remainder of the site; and
 - (b) the roof of the building nominated in a non-reflective finish.

GENERAL CONDITIONS

4. Works carried out under this permit shall be in accordance with the plans endorsed as forming part of this permit.
5. The use and development as shown on the endorsed plans must not be altered without the further consent 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. 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. 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.
9. Before the use or occupation of the development starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat;
 - (d) drained,
 - (e) line marked to indicate each car space and all access lanes; and
 - (f) clearly marked to show the direction of traffic along access lanes and driveways;to the satisfaction of the consent authority.
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
10. The car parking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their visitors.
11. The kerb, crossovers and driveways to the site approved by this permit are to meet the technical standards of Darwin City Council and/or the Department of Lands and Planning as the case may be, to the satisfaction of the consent authority.
12. All trucks entering and leaving the site of works are to have any loads constrained in such a manner as to prevent the dropping or tracking of materials onto streets, including ensuring that all wheels, tracks and body surfaces are free of mud and other contaminants before entering onto sealed road network. Where tracked material on the road pavement becomes a potential safety issue, the developer will be required to sweep and clean the material off the road.
13. Before the use/occupation of the development starts, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
14. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
15. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.

16. The loading and unloading of goods from vehicles must only be carried out on the land.
17. No goods are to be stored or left exposed outside the buildings so as to be visible from any public street.
18. External lights must be designed, baffled and located to the satisfaction of the consent authority to prevent any adverse effect on adjoining land and roads, and on the operation of the RAAF Base Darwin and Darwin International Airport.
19. The finish of any Prime Identification signs, if erected, shall be such that, if illuminated, day and night readability is the same and is of a constant display (ie. not flashing or variable message). The sign shall be positioned:
 - (a) so as not to create sun or headlight reflection to motorists; and
 - (b) be located entirely (including foundations and aurally) within the subject lot.

Advertising signage, either permanent or temporary ie. 'A' frame, vehicle or trailer mounted etc. shall not be erected or located within the Berrimah Road road reserve.

20. All proposed works (including provision of services) within, or impacting upon, the Berrimah Road road reserve shall be designed, supervised and certified on completion by a practising and registered Civil Engineer, and shall be in accordance with the standards and specifications of the Chief Executive, Department of Lands and Planning. Design drawings (together with a copy of the relevant Development Permit) must be submitted to the Director Roads for Road Agency Approval, irrespective of approvals granted by other Authorities ie. Power & Water Corporation. No works within or impacting upon the NT Government road reserve are to commence prior to gaining Road Agency Approval.
21. Soil erosion and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
22. All balconies are to be internally drained and discharge is to be disposed of at ground level and in a manner consistent with stormwater disposal arrangements for the site to the satisfaction of the consent authority.
23. Storage and collection of waste disposal bins is to be provided to the requirements of Darwin City Council, to the satisfaction of the consent authority.
24. An Occupancy Permit under the *Building Act* shall not be granted until such time as Portions 1092 & 1145, Hundred of Bagot have been consolidated and a new title issued in respect of that consolidated allotment.

25. Details of any cranes or other equipment used in the construction of the development, which exceeds a height of 15m above ground level must be supplied to Department of Defence for approval prior to the erection thereof.

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/ or surrounding infrastructure.
2. The Developer, his Contractor or Service Provider is required to obtain a "Permit to Work within a Road Reserve" from the Manager Road Operations, Road Projects Division, Department of Construction and Infrastructure (2nd Floor, Highway House, Palmerston) prior to commencement of any works within the Berrimah Road road reserve.
3. Road Network Division of Department of Lands and Planning advise that any services or connections within the Berrimah Road road reserve are subject to Road Network Approval, with methods of construction for installation of services shall be such that all works are contained within the Nominal Service Corridor.
4. Road Network Division of Department of Lands and Planning advise that pedestrian detour access past the site be maintained or suitable alternatives provided, but that the detour of such traffic onto Berrimah Road will not be permitted.
5. Notwithstanding the approved plans, any proposed works (including landscaping) within Council's road reserve is subject to Council's approval and shall meet all Council's requirements to the satisfaction of the General Manager of Infrastructure, Darwin City Council and at no cost to Council.
6. Notwithstanding the approved plans, all signage is subject to Council's approval and shall meet all Council's requirements to the satisfaction of the General Manager of Infrastructure, Darwin City Council and at no cost to Council.
7. Should the development be unit titled, each dual key two-bedroom serviced apartment will be required to remain under a single unit title.

REASONS FOR THE DECISION

1. The proposal is generally consistent with the purpose of Zone C (Commercial) which is to provide a range of business and community uses.
2. A reduction of 4 car parking spaces (from 63 to 59) under Clause 6.5.2 (Reduction in Parking Requirements) is supported as:

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- there is existing on-street car parking immediately in front of the site which can adequately cater for the 4 car space shortfall;
 - the existing shop on the site has a history of relying on the on-street;
 - the proposal will result in reduced demand on the on-street parking bays from that currently existing; and
 - the proposed land uses on the site present alternate peak demand times and as such effective cross-utilisation the car parking can occur to some degree.
3. Variations to Clause 7.5 (Private Open Space) & Clause 7.6 (Communal Open Space) are considered warranted, and special circumstances demonstrated, for reduced private and communal open space areas on the basis that:
- the accommodation provided being for short term, tourist accommodation; and
 - the outdoor areas being of relatively low amenity value due to poor visual outlook and noise.

ACTION: Notice of Consent and Development Permit

ITEM 4
PA2011/0946
APPLICANT

DEMOUNTABLE STRUCTURE WITH A REDUCED SIDE SETBACK
LOT 5875 (6) COBURG DRIVE, TOWN OF SANDERSON
HEINER STRUCTURAL ENGINEERING CONSULTANTS PTY LTD

Ms Annette Joseland (Heiner Structural Engineering Consultants Pty Ltd) attended.

RESOLVED
29/12

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 5875 (6) Coburg Drive, Town of Sanderson for the purpose of a demountable structure addition with a reduced side setback, to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

- Amended plans detailing the type of landscaping and architectural embellishments proposed to the demountable structure to enhance its appearance, making it visually consistent with adjoining and nearby development;
- Information regarding the nature of the home occupation and the area of the site (including the demountable structure) utilised for this use to ensure compliance with clause 7.10.7 (Home Occupation) is achieved;
- Evidence of special circumstances which justify the placement of the demountable within the required 1.5 metre side setback;
- Advice from the applicant with regard to any possible time restrictions to be imposed on the placement of the demountable structure on the site; and

- Evidence of consultation with the owner of Lot 5874 (4) Coburg Drive, Town of Sanderson regarding the placement of the demountable structure within 1.5m of the shared property boundary.

REASONS FOR THE DECISION

1. Whilst the proposed landscaping may partially obscure the demountable from the street and the neighbouring property, the photo of the structure at Attachment C shows that it is not visually consistent with the existing dwelling on the site and surrounding development, as required by clause 6.8 (Demountable Structures) of the Scheme. Due to the prominent position of the demountable, further details regarding the type of landscaping proposed are required to determine whether it would mitigate the visual impact of the structure upon the adjacent lot to the north and the streetscape.
2. Under clause 7.10.7 (Home Occupation) of the Scheme, a dwelling may be used for the purpose of a home occupation where (among other things) the total of the floor area of the dwelling plus the other areas of the site that are used for the home occupation (including areas used temporarily) does not exceed 30m².
3. Under clause 2.5 (Exercise of Discretion by the Consent Authority) of the Scheme, the consent authority may consent to the development of land that does not meet the standard set out in Parts 4 or 5 only if it is satisfied that special circumstances justify the giving of consent.
4. Advice in regard to restricted timeframes that the demountable will be placed on the site is required in order to assess if any adverse impacts associated with the demountable will only be experienced for a fixed timeframe.
5. Evidence of consultation with the owner of Lot 5874 is required in order to ensure that the landowner is aware of the proposal and any potential amenity impacts.

ACTION: Advice to the Applicant

ITEM 5 92 X 2 AND 46 X 3 BEDROOM MULTIPLE DWELLINGS IN FOUR (4) SEVEN (7)
PA2010/1403 STOREY BUILDINGS INCLUDING GROUND LEVEL CAR PARKING IN FOUR (4)
STAGES
APPLICANT LOTS 4965 & 8641 (63) & (65) PROGRESS DRIVE, TOWN OF NIGHTCLIFF
BELL GABBERT ASSOCIATES PTY LTD

Mr Mark Bell (Bell Gabbert Associates), Mr Jack deVries (Engineer) and Mr George Zikos (Zikos Properties, owner) attended.

Mr Bell tabled amended plans:
SK2 & SK3 showing stages 3 & 4 mirrored to increase the setback between two buildings;

SK10 additional info for landscaping;
SK12 further info better defines front of lot, height of wall etc

Submitter Ms Fiona Douglas attended.

RESOLVED
30/12

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lots 4965 & 8641 (63) & (65) Progress Drive, Town of Nightcliff for the purpose of 88 x 2 and 44 x 3 bedroom multiple dwellings in 1 x 5 and 3 x 7 storey buildings including ground level car parking in four (4) stages to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

1. A traffic study, prepared by a suitably qualified traffic engineer, to the requirements of Darwin City Council. This study is to consider:
 - The movement of vehicles to and from the site and the effect of this on the surrounding vehicle, pedestrian and cycle network.
 - The delineation of pathways, cycleways and driveways on and adjacent to the site.
 - The appropriateness of the internal layout, with consideration to the length of aisles and the lack of visitor parking on-site.
 - The location of the cycleway within the verge.
2. A landscaping plan, prepared by a suitably qualified professional, is required to be submitted for the ground level landscaping shown around the perimeter of the development site, and with particular focus to the Council verge to the north of Lot 8641. 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 and fencing. Agreement from Council is required for the works affecting the verge immediately to the north of Lot 8641, as this property is owned and managed by Darwin City Council.
3. A waste management plan in accordance with Council's Waste Management Policy is required to be submitted, to the requirements of Darwin City Council.
4. Special circumstance that justify the varying of Clause 7.7 (Landscaping for Multiple Dwellings, Hostels and Supporting Accommodation) and evidence which demonstrates the landscaping provided meets the purpose of the clause. Alternatively, the proposal can be reconfigured in order to provide a compliant (or more complaint) amount of landscaping area. This requirement should be looked at in conjunction with the landscaping plan required above and take into account the types of and location of vegetation.

REASONS FOR THE DECISION

1. 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 Council verge immediately to the north of

Lot 8641, the connecting service road, and the access to Progress Drive. The study needs to determine whether any upgrade works will be required to the road network and immediate area, is to consider the impact of the development on cyclists and pedestrian, and is to make suggestions regarding new works that may be required to the existing footpaths and related infrastructure. It is not clear, from the traffic study that has been submitted, whether the possibility of more significant upgrading works to the ingress/ egress point of the site will be required.

2. The submitted landscaping plan does not provide details on the species types to be planted, and the quantity and placement of these species. A detailed landscaping plan is required to ensure appropriate visual amenity to the locality, and agreement from Council is required for all works being undertaken in its verge, which will be most noticeable from the street. Details on the fencing are required to be shown to give greater confidence with regard to the materials being used, and to determine whether any part of the fence protrudes over Council land.
3. 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.
4. Special circumstance that justify the varying of Clause 7.7 (Landscaping for Multiple Dwellings, Hostels and Supporting Accommodation) and evidence which demonstrates the landscaping provided meets the purpose of the clause is required in order to fully consider if a variation to the NT Planning Scheme is appropriate.

ACTION: Advice to Applicant

ITEM 6 **186 MOTEL SUITS, RESTAURANT AND A CARETAKER'S RESIDENCE IN AN 11 STOREY BUILDING AND 90 X 1 BEDROOM AND 20 X 2 BEDROOM MULTIPLE DWELLINGS IN A 13 STOREY BUILDING PLUS 2 LEVELS OF BASEMENT PARKING LOT 2193 (79) SMITH STREET, LOT 2194 (81) SMITH STREET, LOT 2197 (6) BRIGGS STREET AND LOT 2203 (3) MOTT COURT, TOWN OF DARWIN**
PA2011/0956

APPLICANT **JUNE D'ROZARIO & ASSOCIATES PTY LTD**

Ms June D'Rozario (June D'Rozario & Associates) attended and tabled comments from Darwin City Council dated 20 January 2012.

RESOLVED That, the Development Consent Authority vary the requirements of Clause 6.3.2
31/12 (Volumetric Control in Central Darwin), Clause 6.3.3 (Urban Design Requirements in Central Darwin) and Clause 7.5 (Private Open Space) of the NT Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lots 2193 & 2194 (79 & 81) Smith Street, Lot 2197 (6) Briggs Street & Lot 2203 (3) Mott Court, Town of Darwin for the purpose of 186 motel suites and caretakers residence in an existing 11 storey building, and 90 x 1 & 20 x 2 bedroom multiple dwellings in a new 13 storey building plus 2 levels of basement car parking, subject to the following conditions:

CONDITIONS PRECEDENT

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

GENERAL CONDITIONS

5. Works carried out under this permit shall be in accordance with the plans endorsed as forming part of this permit.
6. Prior to commencement of use, in accordance with Section 70(5) of the *Planning Act*, a monetary contribution is to be made to Darwin City Council with respect to the on-street car parking bays on Smith Street and Briggs Street that will be lost as a result of the development. The contribution is to be calculated in accordance with the requirements of Section 70(6) of the *Planning Act*.
7. Pursuant to Part 6 of the *Planning Act*, 'Developer Contributions', a monetary contribution shall be paid to Darwin City Council in accordance with Council's 'Developer Contribution Plans for Stormwater Drainage Works'.
8. Parking meters No. 3702 on Briggs Street and No. 711 on Smith Street must be relocated to the requirements of Darwin City Council, and to the satisfaction of the consent authority, and be at no cost to Council.
9. Design drawings showing the proposed location of replacement street lighting must be submitted to Council, to the satisfaction of the General Manager of Infrastructure, Darwin City Council, to the satisfaction of the consent authority, and be at no cost to Council. The street lighting must be installed prior to the commencement of use.

10. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities, and electricity to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
11. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
12. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of 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 to the satisfaction of the consent authority.
14. Before the use or occupation of the development starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat;
 - (d) drained,
 - (e) line marked to indicate each car space and all access lanes; and
 - (f) clearly marked to show the direction of traffic along access lanes and driveways;to the satisfaction of the consent authority.
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
15. The car parking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their visitors.
16. The porte-cochere must be retained and kept available at all times for use by motel guests and others visiting the motel development.
17. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
18. A tree is to be planted, to the requirements of Darwin City Council, to the satisfaction of the consent authority, replacing the tree to be removed as a result of the introduction of the porte-cochere, and is to be at no cost to Council.

19. Before the use/ occupation of the development starts, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
20. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
21. Soil erosion and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
22. All balconies are to be internally drained and discharge is to be disposed of at ground level and in a manner consistent with stormwater disposal arrangements for the site to the satisfaction of the consent authority.
23. All air conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
24. Storage and collection of waste disposal bins is to be provided to the requirements of Darwin City Council to the satisfaction of the consent authority.
25. The managers residence hereby permitted must comply at all times with a caretakers residence which is defined in the Northern Territory Planning Scheme as 'a dwelling which is ancillary to the lawful use of the land on which it is erected and which is used by the caretaker of the land'.
26. An Occupancy Permit under the *Building Act* shall not be granted until such time as Lots 2193, 2194, 2197 & 2203, Town of Darwin have been consolidated and a new title issued in respect of that consolidated allotment.

NOTES:

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

4. The developer is to contact Telstra via <http://www.telstrasmartcommunity.com/> prior to any work commencing to facilitate the installation of the Telstra Network.

REASONS FOR THE DECISION

1. The proposal is consistent with the primary purpose of Zone CB (Central Business), which is to provide for a diversity of activities including administrative, judicial, professional, office, entertainment, cultural, residential, retail and other business activities, with a commitment to the separation of incompatible activities.
2. Variations to Clause 6.3.2 (Volumetric Control in Central Darwin) of the Northern Territory Planning Scheme for the Tier 2 component of both buildings is based on:
 - the proposed motel is an existing building and compliance with the Tier 2 requirement to set the building back 6.0m from the Briggs Street frontage would be impractical in this instance; and
 - the additional building length (in relation to adjacent site boundaries), the reduced separation between Tier 2 levels of each building, and the Tier 2 of the proposed building not being setback 6m from the Briggs Street & Mott Court frontages and north-east boundary are all addressed by alternative design solutions whereby Tier 1's development potential of 100% site coverage is significantly reduced and other setbacks increased, resulting in overall development with less building coverage, height and massing, and achieving the purpose of the clause of maximising potential view corridors and penetration of light and breezes through and around the site.
3. A variation to Clause 6.3.3 (Urban Design Requirements in Central Darwin) of the Northern Territory Planning Scheme is on the basis that the level of active street frontage and awning able to be provided to Smith Street and Briggs Street is limited by the design and layout of the existing building which is proposed to be retained. Nevertheless, the overall development gives a significantly improved appearance to the street and area, while working within the constraints of a refurbishment of an existing building, and is seen to reflect the purpose of this clause, being to promote exemplary urban design in Central Darwin.
4. A variation to Clause 7.5 (Private Open Space) is on the basis that the amount of private open space area provided for the 1 bedroom multiple dwellings is proportionate to the size of the dwellings and will cater for the reasonable needs of occupant(s) therein.

ACTION: Notice of Consent and Development Permit

ITEM 7
PA2011/0972
APPLICANT

**ADDITIONS OF 163 NEW CABINS TO AN EXISTING CARAVAN PARK
SECTION 3244 (11) FARRELL CRESCENT, HUNDRED OF BAGOT
BELL GABBERT ASSOCIATES PTY LTD**

Mr Mark Bell (Bell Gabbert & Associates) attended and tabled an amended acoustic report and a stormwater plan.

**RESOLVED
32/12**

That, pursuant to section 53(a) of the Planning Act, the Development Consent Authority consent to the application to develop Section 3244 (11) Farrell Crescent, Hundred of Bagot for the purpose of 163 new cabins in single storey structures to an existing caravan park, in two stages, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the commencement of works (including site preparation) a schematic plan demonstrating all stormwater to be collected on the site and discharged into the local underground stormwater system, to the standards and approval of the Department of Lands and Planning's Road Networks or Darwin City Council, whichever the case may be, to the satisfaction of the consent authority.

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. 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. Before the use or occupation of the development starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat; and
 - (d) drained;to the satisfaction of the consent authority.
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
6. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council to the satisfaction of the consent authority.

7. The 163 new cabins are to be constructed such that they meet the acoustic performance ratings given in Australian Standard AS 2021 – 2000 '*Acoustics – Aircraft Noise Intrusion – Building Siting and Construction*'.
8. Any lighting installed as part of the development is to consider section 9.21 '*Lighting in the Vicinity of Aerodromes*' of the CASA Manual of Standards Part 139, available at: <http://www.casa.gov.au/wcmswr/assets/main/rules/1998casr/139/139mfull.pdf>.
9. The site is to be kept clean of rubbish and any storage of waste is to be managed at all times in a manner so as to not attract birds or bats, to the satisfaction of the consent authority.
10. 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 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. It is advised that any works within the Stuart Highway road reserve will require a 'permit to work within a road reserve' from the Manager Road Operations, Road Projects Division, Department of Construction and Infrastructure, while any proposed work (including provision of services) within, or impacting on, the Stuart Highway road reserve shall be to the standards and specifications of the Department of Lands and Planning.
3. All commercial accommodation must comply with the *NT Public Health Act*, NT Public Health (Shops, Boarding Houses, Hostels and Hotels) Regulations and the proposed NT Public Health Guidelines for Commercial Visitor Accommodation. Related plans must be submitted to the Environmental Health Greater Darwin Region, via a Building Certifier, for approval, prior to the construction of building works. Following assessment and approval the premises are required to be registered as a boarding house with the Department of Health and Families Environmental Health Greater Darwin Region prior to operating.

REASONS FOR THE DECISION

1. The proposed development is consistent with the primary purpose of Zone CV (Caravan Parks), being "to provide for caravan parks".
2. The introduction of 163 cabins to an existing caravan park is clearly compatible with the existing use on the site, it is not expected to result in

any detrimental amenity impacts in the area, and subject to satisfaction of all conditions, including the requirement for the cabins to meet acoustic treatment criteria, no amenity impacts are expected on those making use of the new cabins. The new cabins comply with all applicable criteria given in the Northern Territory Planning Scheme.

3. Construction to the standards of Australian Standard AS 2021 – 2000 '*Acoustics – Aircraft Noise Intrusion – Building Siting and Construction*' shows that the proposal acknowledges the ANEF contour value that affects the land, and ensures that the cabins will be protected against the majority of noise impacts resulting from the site's proximity to Darwin airport. The development satisfies the purpose of clause 6.9 (Land in Proximity to Airports) of the Planning Scheme, to "minimise the detrimental effects of aircraft noise on people who reside or work in the vicinity of an airport". The development addresses the Building Site Acceptability Table relating to clause 6.9 by identification of the cabins as short term accommodation and therefore more akin to a hotel, motel or hostel, which are conditionally acceptable on land in the 25 – 30 ANEF zone.
4. Satisfaction of section 9.21 '*Lighting in the Vicinity of Aerodromes*' of the CASA Manual of Standards Part 139 is required in order to meet subclause 4 of clause 6.9 (Land in Proximity to Airports), which requires that "lighting associated with development on land within flight approach paths is not to prejudice the safe operation of an airport".
5. It is necessary the site is kept clean of rubbish and any waste which is stored on the site is to be covered at all times to ensure that the development is in accordance with subclause 5 of clause 6.9 (Land in Proximity to Airports) which states that the development of "land is not to be of a nature that attracts birds or bats to an extent that prejudices the safe operation of an airport".

A schematic stormwater plan is required in order for the development to demonstrate that it is technically feasible to collect stormwater on the site and dispose of it into the appropriate stormwater drainage system, and to ensure that no stormwater will sheet-flow into the road reserve or onto adjoining properties.

ACTION: Notice of Consent and Development Permit

ITEM 8 **FACADE UPGRADES TO AN EXISTING BUILDING**
PA2011/0965 **LOT 5396 (18) CAVENAGH STREET, TOWN OF DARWIN**
APPLICANT **BELL GABBERT ASSOCIATES PTY LTD**

Mr Mark Bell (Bell Gabbert & Associates) attended.

**RESOLVED
33/12**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 5396 (18) Cavenagh Street, Town of Darwin for the purpose of facade upgrades to an existing building, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the commencement of works (including site preparation) a site management plan (including waste management) for the construction period of the proposed works must be provided in accordance with the requirements of Darwin City Council, to the satisfaction of the consent authority.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with drawing number 2011/0965/1 & 2011/0965/3 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.

NOTE:

1. 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 purpose of Zone CB (Commercial) which includes that building form and design is expected to be sensitive to the needs of pedestrian movement and facilitate the creation of safe and active street frontages and public places and a vibrant commercial precinct.

ACTION: Notice of Consent and Development Permit

**ITEM 9
PA2011/0980**

**ADDITION OF TWO CARPORTS TO AN EXISTING SINGLE DWELLING
WITH REDUCED FRONT AND SIDE SETBACKS
LOT 6063 (10) BATHURST STREET, TOWN OF SANDERSON
NAC PTY LTD**

APPLICANT

Mr Joshua and Mrs Virginia Gooding (owners) attended.

**RESOLVED
34/12**

That, pursuant to section 53(c) of the *Planning Act*, the Development Consent Authority refuse to consent to the application to develop Lot 6063 (10) Bathurst Street, Town of Sanderson for the purpose of adding two (2) carports to an existing single dwelling with reduced front and side setbacks.

REASONS FOR THE DECISION

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

The proposed building's significantly reduced front and side setbacks will result in an incompatible development set well forward of abutting buildings with significant adverse impacts on the visual amenity of the immediate area.

2. The nearby surrounding area currently contains at least 3 examples of dwellings with 2.5m minimum front secondary street setbacks (as opposed to primary). While some parts of these dwellings are close to the front boundary, the impact to the streetscape of these dwellings is less given they are secondary street setbacks and it is apparent that the proposal, with carports to within 1m of the street, will result in a more significant detrimental effect on the streetscape and visual amenity of the immediate and surrounding area.
3. Reduced side setbacks are not supported as the development is likely to have adverse impact due to increased building mass when viewed from adjoining land and the streetscape. The proposed side setbacks are not consistent with the streetscape and surrounding development.
4. In accordance with cause 2.5 (Exercise of Discretion by the Consent Authority) of the NT Planning Scheme, 'the consent authority may consent to the development of the land that does not meet the standard set out in Parts 4 or 5 only if it is satisfied that special circumstances justify the giving of consent'. No special circumstances for the front and side setbacks encroachment have been identified by the consent authority which merits the granting of consent by the authority.

5. Whilst the applicant provided a considerable amount of detail at the hearing in regard to the proposal, none of the information provided was considered special circumstances which justify the giving of consent nor demonstrated that the proposal would comply with the purpose of Clause 7.3(Building Setbacks of Residential Buildings).

ACTION: Notice of Refusal

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



PETER MCQUEEN
Chairman

22/2/12