



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 192 – FRIDAY 6 JULY 2012

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

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

APOLOGIES: Nil

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

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 9.45 am and closed at 2.00 pm

ITEM 2
PA2012/0362
APPLICANT

2 X 2 BEDROOM MULTIPLE DWELLINGS IN 2 SINGLE STOREY BUILDINGS
LOT 1313 (44) RYLAND ROAD, TOWN OF NIGHTCLIFF
BUILD UP DESIGN PTY LTD

Mr Jimmy Walker (Build Up Design) and Mr Wayne Wright (Department of Housing, Local Government & Regional Housing) attended.

Submitter Mr David Atkins attended.

RESOLVED
162/12

That, the Development Consent Authority vary the requirements of Clauses 6.5.1 (Parking Requirements) and 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 1313 (44) Ryland Road, Town of Nightcliff for the purpose of 2 x 2 bedroom multiple dwellings in 2 single storey buildings, subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings numbered 2012/0362/01 through to 2012/0362/05, endorsed as forming part of this permit.
2. Prior to commencement of works (including site preparation), the applicant is to prepare a schematic plan demonstrating all stormwater can be collected on the site and discharged to the City of Darwin's stormwater drainage system, to the requirements of the City of Darwin and to the satisfaction of the consent authority.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and telecommunication networks to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
5. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.
6. 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.
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. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the City of Darwin, to the satisfaction of the consent authority.

The owner shall:

- (a) remove disused vehicle and/or pedestrian crossovers;
 - (b) provide footpaths/cycleways;
 - (c) collect stormwater and discharge it to the drainage network; and
 - (d) undertake reinstatement works;
- all to the technical requirements of and at no cost to the City of Darwin, to the satisfaction of the consent authority.
9. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into the City of Darwin's drains or to any watercourse.
 10. 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.
 11. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
 12. 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 in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. A "Permit to Work Within a Road Reserve" may be required from the City of Darwin before commencement of any work within the road reserve.
3. The Department of Natural Resources, Environment, The Arts and Sport (NRETAS) advises that construction work should be conducted in accordance with the NRETAS Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
4. The Development Consent Authority advises that Lot 10083 Town of Nightcliff is in Zone SD40 (Specific Use Darwin – 40) of the Northern Territory Planning Scheme. The purpose of this zone is to facilitate the use and development of

the land for single storey multiple dwellings for seniors and/or people with physical ailments or mobility impairments.

REASONS FOR THE DECISION

1. The proposed development is consistent with the primary purpose of Zone SD40 (Specific Uses – Darwin), being to facilitate the use and development of the land for single storey multiple dwellings for seniors and/or people with physical ailments or mobility impairments.
2. A variation to the driveway width requirements of Clause 6.5.3 (Parking Layout) is supported as the proposed driveway and car parking area is appropriate given the proposed use of the multiple dwellings. Given that the future residents are unlikely to generate a large number of traffic movements, the likelihood of vehicle conflicts on the driveway is low, and the driveway complies with the minimum width requirement of 3.5 metres for driveways with one-way traffic flow.

Additionally, the 1.4 metre deep landscaping proposed along the front boundary would likely add to the amenity of the streetscape and soften the appearance of the 34 metre long driveway when viewed from Ryland Road. In light of the low density of the area and the proposed use of the dwellings, it is considered appropriate to promote the landscaping of the site rather than require the provision of a 6 metre wide driveway, as any benefit gained from a 6 metre driveway would be disproportionate to the impact of the driveway on the streetscape and loss of amenity for future residents due to less landscaping.

3. Pursuant to Clause 6.5.2 (Reduction in Parking Requirements), a reduction in the minimum number of car parking spaces provided on site from four to three is considered appropriate given the zoning of the property and the availability of public transport in the vicinity. Under the SD40 zoning of the land, the proposed dwellings would be required to be occupied by seniors and/or people with physical ailments or mobility impairments, and it is therefore considered unlikely that these future residents would generate a requirement for more than 1.5 car parking spaces per dwelling.
4. City of Darwin advises it is the sole authority responsible under the *Local Government Act* and associated by-laws for stormwater drainage and as such has requested details of the collection and discharge of stormwater run-off.

ACTION: Notice of Consent and Development Permit.

ITEM 3
PA2012/0337
APPLICANT

2 X 3 BEDROOM MULTIPLE DWELLINGS IN A SINGLE STOREY BUILDING
LOT 10083 (16) GAKKINGGA STREET, TOWN OF NIGHTCLIFF
IRWIN CONSULT

Mr Owen Tyson (Irwin Consult) attended.

RESOLVED
163/12

That, the Development Consent Authority vary the requirements of Clauses 7.3 (Building Setbacks of Residential Buildings) and 7.5 (Private Open Space) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 10083 (16) Gakkingga Street, Town of Nightcliff for the purpose of 2 x 3 bedroom multiple dwellings in a single storey building, subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings numbered 2012/0337/01 through to 2012/0337/05, endorsed as forming part of this permit.
2. Prior to commencement of works (including site preparation), the applicant is to prepare a schematic plan demonstrating all stormwater can be collected on the site and discharged to the City of Darwin's stormwater drainage system, to the requirements of the City of Darwin and to the satisfaction of the consent authority.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and telecommunication networks to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
5. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.
6. 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.
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. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the City of Darwin, to the satisfaction of the consent authority.

The owner shall:

- (a) remove disused vehicle and/or pedestrian crossovers;
- (b) provide footpaths/cycleways;
- (c) collect stormwater and discharge it to the drainage network; and
- (d) undertake reinstatement works;

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

9. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into the City of Darwin's drains or to any watercourse.
10. 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.
11. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
12. 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 in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. A "Permit to Work Within a Road Reserve" may be required from the City of Darwin before commencement of any work within the road reserve.
3. The Department of Natural Resources, Environment, The Arts and Sport (NRETAS) advises that construction work should be conducted in accordance with the NRETAS Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
4. Power and Water Corporation has advised that 24-hour access to the existing Underground Residential Distribution (URD) pillar within the property is to be maintained.
- 5.

REASONS FOR THE DECISION

1. The proposed development is consistent with the purpose of Zone SD17 (Specific Use Darwin – 17), being to facilitate the subdivision, use and development of the land as a residential estate.
2. A variation to Clause 7.3 (Building Setbacks of Residential Buildings) is supported as the proposed development is generally consistent with the purpose of the clause. The single storey development is of a scale and design compatible with adjacent and nearby development and the proposed dual frontage would likely have a positive impact on the streetscape and amenity of the area. The setbacks proposed from the Gakkinga Street front boundary are generally consistent with the front setbacks of the surrounding residential development.

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

3. The irregular shape of the lot and its dual frontage are considered to represent special circumstances for consideration. Approximately 56 metres (50%) of the parcel's boundary abuts Gakkinga Street and Deditma Street, to which primary and secondary street minimum setbacks apply. The Lyons design covenant which applies to the property also requires greater side setbacks than required under the NT Planning Scheme. The resultant building envelope constrains the development of multiple dwellings to a point at which full compliance with the relevant provisions of the Planning Scheme would result in a significant underutilisation of the site and a development which would offer a lesser level of amenity to future residents of the dwellings.
4. City of Darwin advises it is the sole authority responsible under the *Local Government Act* and associated by-laws for stormwater drainage and as such has requested details of the collection and discharge of stormwater run-off.

ACTION: Notice of Consent and Development Permit

ITEM 4
PA2012/0334
APPLICANT

SUBDIVISION TO CREATE 33 LOTS
SECTION 5875 (81) BOULTER ROAD, HUNDRED OF BAGOT
IRWIN CONSULT

Mr Owen Tyson (Irwin Consult), Mr Jim Keogh and Mr Jim Keogh (owners) attended.

**RESOLVED
164/12**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Section 5875 (81) Boulter Road, Hundred of Bagot for the purpose a subdivision to create 33 lots, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of works (including site preparation works) and prior to the endorsement of plans, the developer must enter into a formal written agreement with the City of Darwin with regard to the design and specifications of the following aspects of the proposed subdivision:
 - (a) Road design;
 - (b) Extension of the road reserve proposed in Section 5787 to the north to provide future access to Section 5873;
 - (c) Design of the dead-end street in the northwestern corner of the site;
 - (d) Introduction of street furniture;
 - (e) Street lighting;
 - (f) Landscaping of the public open space park, which is to have an emphasis on the retention of native vegetation, as per the comments from the Department of Natural Resources, Environment, The Arts and Sport (NRETAS); and
 - (g) Requirement of the formation of a narrow lot along the Boulter Road frontage to the site, to be vested to the City of Darwin.

All to the requirements of the City of Darwin, and all to the satisfaction of the consent authority.

2. Prior to commencement of works (including site preparation) and prior to the endorsement of plans, the applicant is to prepare a schematic plan demonstrating all stormwater can be collected on the site and discharged to Council's stormwater drainage system, to the requirements of City of Darwin, to the satisfaction of the consent authority.
3. Prior to commencement of works (including site preparation) and prior to the endorsement of plans, the applicant is to provide evidence that fencing along the eastern portion of the roadway extending from Boulter Road, through Section 5787, and gated access to Section 5787, shall be provided to the requirements of the Department of Natural Resources, Environment, The Arts and Sport (NRETAS), to the satisfaction of the consent authority, as part of this subdivision.
4. Prior to the commencement of works (including site preparation) and prior to the endorsement of plans, the applicant/ developer is to provide evidence that bore RN020543 has been decommissioned, to the requirements of the Department of Natural Resources, Environment, The Arts and Sport (NRETAS), to the satisfaction of the consent authority.
5. Prior to the commencement of works (including site preparation) an erosion and sediment control plan is to be prepared to the requirements of the Department of Natural Resources, Environment, The Arts and Sport (NRETAS), to the satisfaction of the consent authority.

6. Prior to commencement of works (including site preparation) and prior to the endorsement of plans, a traffic impact assessment is to be prepared to the standards and approval of the Department of Lands and Planning's 'Road networks division' and/ or the City of Darwin as applicable, to the satisfaction of the consent authority. Any upgrades required to the local road network as a result of the proposed development shall be undertaken by the developer, at no cost to the Department of Lands and Planning or the City of Darwin. The traffic impact statement is to include:
 - (a) A brief description of the proposed land use trip generation.
 - (b) A brief description of the existing operational conditions of the road network in the immediate vicinity of the development.
 - (c) An analysis of the operation of the access to the development.
 - (d) An analysis of the operation of the Boulter Road/ Vanderlin Drive and Boulter Road/ Amy Johnson Avenue intersections.
 - (e) A professional opinion on the expected traffic impact based on a site observation during the expected peak hour and analysis conducted.
7. Prior to commencement of works (including site preparation) and prior to the endorsement of plans, amended plans showing all changes resulting from the actioning of the requirements listed above are to be submitted to the consent authority for approval, to the consent authority's satisfaction.

GENERAL CONDITIONS

8. Works carried out under this permit shall be in accordance the plans endorsed as forming part of this permit.
9. Before the use commences the developer/ owner must pay a monetary contribution in accordance with the City of Darwin's Berrimah North Contribution Plan, to assist in upgrading infrastructure in the area, to the satisfaction of the consent authority.
10. Before the use/ occupation starts the road reserve and public open space shown on the endorsed plans is to be vested to the relevant authority, to the satisfaction of the consent authority.
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 fencing along the boundary with Section 5787, and gated access to Section 5787, are to be installed as part of this subdivision.
13. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity, gas and telecommunication networks to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

14. The erosion and sediment control plan is to be implemented as necessary, to the satisfaction of the consent authority.
15. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the Council, to the satisfaction of the consent authority.
16. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of, and be at no cost to the City of Darwin, to the satisfaction of the consent authority.
17. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways;
 - (c) collect stormwater and discharge it to the drainage network; and
 - (d) undertake reinstatement works;All to the technical requirements of, and at no cost to, the City of Darwin, and to the satisfaction of the consent authority.

NOTES:

1. The developer is to contact Telstra via the following website prior to any work commencing to facilitate the installation of the Telstra network: <http://www.telstrasmartcommunity.com/>, and is to register the development with NBN Co at <http://www.nbnco.com.au/getting-connected/new-developments.html>.
2. Telstra advises that the developer is required to contact "Dial Before You Dig" on 1100 to obtain a location of the Telstra network, and arrange for any removal or relocation if required.
3. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) 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.
4. The Department of Natural Resources, Environment, The Arts and Sport (NRETAS) advises that construction work should be conducted in accordance with the NRETAS Noise guidelines for development sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
5. Telstra advises that the developer is required to contact "Dial Before You Dig" on 1100 to obtain a location of the Telstra network, and arrange for any removal or relocation if required.

REASONS FOR THE DECISION

1. The subdivision of the site into 33 lots is consistent with allowing for the type of development in line with the purpose of the zone, being to "provide for a range of housing options to a maximum height of two storeys above ground level", as noted especially by the lot layout plan, which shows appropriately sized building envelopes with compliant setbacks.
2. A variation to the requirements of subclause 2 of clause 11.1.1 (Minimum Lot Sizes and Requirements) of the Northern Territory Planning Scheme is considered acceptable as 31 of the 33 lots within the subdivision are in excess of the standard requirement of 800m², two are in excess of 900m² and a further two are in excess of 1,200m². The area and layout of the two lots not meeting the 800m² requirement is still sufficient to ensure that their future development is not hindered, as per the purpose of clause 11.1.1, to provide lots "of a size capable of accommodating potential future uses".
3. A variation to the requirements of subclause 2(f) clause 11.2.2 (Site Characteristics in Residential Subdivision) of the Northern Territory Planning Scheme is considered acceptable as the public open space to be provided is an area of 3,627m², and constitutes 8.96% of the area of Section 5875. This is a significant area that is sufficiently large and open to accommodate both active and passive recreational pursuits and be of amenity benefit to the proposed lots and surrounding locality. All lots are within 400m walking distance of this park, it is regular in shape, unencumbered by drains, easements or significant slope, and accords with CPTED principles by being visible from many of the lots in the subdivision, more than half of which face or abut the park. The park accords with all design features mentioned in clause 11.2.2, and is sufficient to accommodate the recreational and amenity requirements of residents in the subdivision.
4. The road, footpath, street lights, the public open space area, and associated street furniture shall be the future responsibility of the City of Darwin, and must be designed and installed to their requirements. Proper resolution of these matters will ensure the subdivision proceeds in line with clause 14.1.2 (Berrimah North Planning Principles) and that the development of Section 5875 will be suitable to the locality and surrounding area.
5. A schematic stormwater plan is required in order for the development to demonstrate that it is technically feasible to collect stormwater on the site and dispose of it into Council's stormwater drainage system, and to ensure that no stormwater will sheet-flow into the road reserve or onto adjoining properties.
6. Bore RNO20543 is to be decommissioned as its current siting can impact on the subdivision layout as presented, and it has been assessed as no longer being a requirement for Section 5875, Hundred of Bagot.

7. Fencing along the eastern portion of the roadway extending from Boulter Road, through Section 5787, and provide gated access to Section 5787, to the requirements of the Department of Natural Resources, Environment, The Arts and Sport (NRETAS), are necessary to ensure that the subdivision does not result in detrimental amenity outcomes to Section 5787, and to see that the area proceeds in line with the Berrimah North Area Plan.
8. An erosion and sediment control plan is required to prevent any environmental nuisance to adjoining sites during the clearing and construction phases of the development.
9. A traffic impact statement is required as the development is seen to result in an increase in traffic in the locality. A professional analysis of the likely impacts of the subdivision on the locality will ensure that all necessary upgrades to the road network are addressed and that future residents and those within the surrounding locality are not unduly impacted.
10. The proposed development is deemed compliant with the controls and principles given in clause 14.1.2 (Berrimah North Planning Principles) and as can be seen on the Berrimah North Area Plan of the Northern Territory Planning Scheme.
11. In accordance with the requirements of section 51(m) of the *Planning Act*, consideration has been given to all comments received from service authorities, ensuring an appropriate level of service is maintained for the site and surrounding locality, and that all relevant requirements are met by the development.

ACTION: Notice of Consent and Development Permit

**ITEM 5
PA2012/0349
APPLICANT**

**3 X 2 BEDROOM MULTIPLE DWELLINGS IN 3 SINGLE STOREY BUILDINGS
LOT 3878 (40) ARMIDALE STREET, TOWN OF DARWIN
BUILD UP DESIGN**

Mr Jimmy Walker (Build Up Design), Mr Wayne Wright and Ms Noleen Swanson (Department of Housing, Local Government & Regional Housing) attended.

Submitter Mr John Brears attended.

**RESOLVED
165/12**

That, the Development Consent Authority vary the requirements of Clause 6.5.3 (Parking Layout) of the NT Planning Scheme, and pursuant to section 53(b) of the *Planning Act*, alter the proposed development and consent to the proposed development as altered to develop Lot 3878 (40) Armidale Street, Town of Darwin for the purpose of 3 x 2 bedroom multiple dwellings in 3 single storey buildings subject to the following conditions:

CONDITION 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. changes to the car park layout to incorporate six (6) car parking spaces; and
 - b. an amended landscape plan which includes 6 replacement trees of a similar type and location to the 6 existing hibiscus trees proposed to be removed.

GENERAL CONDITIONS

2. Prior to the 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 City of Darwin and to the satisfaction of the consent authority.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity, gas and telecommunication networks to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
5. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council to the satisfaction of the consent authority.
6. The kerb crossings and driveways to the site approved by this permit shall be to the technical standards of and at no cost to the Darwin City Council, to the satisfaction of the consent authority.
7. The owner shall:
 - (a) remove disused vehicle and/or pedestrian crossings;
 - (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.
8. 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.

- 9. 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.
- 10. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
- 11. Before the use/occupation of the development starts the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
- 12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
- 13. 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.

NOTE:

- 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.

REASONS FOR THE DECISION

- 1. The proposed development appears to be consistent with the primary purpose of Zone MD (Multiple Dwelling Residential) which is to provide for a range of housing options to a maximum height of two storeys above ground level
- 2. A variation to Clause 6.5.3 (Parking Layout) is supported as the proposal remains functional in respect to how many vehicles will be utilising the site, and does not visually impact on the locality. It is considered that the proposed car parking area is generally in accordance with the purpose of clause 6.5.3 as it is appropriately designed, constructed and maintained for its intended purpose of multiple dwellings for seniors and/or people with physical ailments or mobility impairments.

3. A variation to Clause 6.5.1 (Parking Requirements) reducing the car parking spaces from the required six spaces to four spaces is not supported as the Northern Territory Planning Scheme does not restrict the tenancy arrangements in Zone MD, and there are no restrictions on the site transferring ownership at a later date. There is limited on-street parking available due to the location of a traffic calming device located on Armidale Street immediately adjacent to the site. It is proposed that a condition precedent be included on any permit issued requiring the submission of amended plans demonstrating the redesign of the car parking to a point at which it complies with Clause 6.5.1.

ACTION: Notice of Consent and Development Permit

ITEM 6 **CHANGE OF USE FROM A RESIDENTIAL BUILDING (CONVENT BUILDING) TO**
PA2012/0361 **OFFICE**
APPLICANT **LOT 1459 (3) LINDSAY STREET, TOWN OF DARWIN**
HAMES SHARLEY

Mr Peter Savage (Hames Sharley) attended.

RESOLVED
166/12

That, the Development Consent Authority vary the requirements of clauses 6.3.3 (Urban Design Requirements in Central Darwin) and 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 1459 (3) Lindsay Street, Town of Darwin for the purpose of a change of use from a residential building (convent building) to an office, subject to the following conditions:

GENERAL CONDITIONS

1. Works carried out under this permit shall be in accordance with the drawings numbered 2012/0361/1 through to 2012/0361/5, endorsed as forming part of this permit.
2. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity and telecommunications services to the land shown on the endorsed plan in accordance with the authorities' requirements.
4. Stormwater is to be collected and discharged into the drainage network to the technical standards of, and at no cost to, the City of Darwin, to the satisfaction of the consent authority.
5. 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.

6. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.
7. The loading/ unloading of goods from vehicles must only be carried out on the land, and must not disrupt the circulation and parking of vehicles on the land.

NOTES:

1. Notwithstanding the approved plan, all signage and any works and/ or landscaping within Council's road reserve will be subject to approval from the City of Darwin, and be at no cost to the City of Darwin.
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 upgrade to the existing community centre on Lot 1459 (3) Lindsay Street, Town of Darwin, is in line with the primary purpose of Zone CB, being 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. A variation to the requirements of subclauses 2(c) and 2(d) of clause 6.3.3 (Urban Design Requirements in Central Darwin) of the Northern Territory Planning Scheme is considered acceptable as the ground level carparking spaces reflect an existing state, will be partially screened and obscured from view by the setback from the front boundary, the gate to McLachlan Street, and landscaping over the site, both existing and proposed. The development as proposed is expected to see an improved level of aesthetics and amenity to the site and locality, and is supported accordingly.
3. A variation to the requirements of subclause 3(i) of clause 6.5.3 (Carparking Layout) of the Northern Territory Planning Scheme is considered acceptable as the crossover accessing the subject carparking area accommodates a small number of vehicles, all of which are connected to the proposed office use, with very little potential for vehicular conflict, and the crossover is existing. The carparking area also satisfies the controls of Australian Standard AS 2890.1 (*Off-street Carparking*) and is in line with the purpose of clause 6.5.3, for a carparking area that "is appropriately designed, constructed and maintained for its intended purpose".

ACTION:

Notice of Consent and Development Permit

ITEM 7
PA2012/0374
APPLICANT

**SUBDIVISION TO CREATE 3 LOTS
LOT 2279 (20) HARVEY STREET, TOWN OF DARWIN
EARL JAMES AND ASSOCIATES**

Mr Kevin Dodd (Earl James & Associates) and Mr Karl Hell (Tomazos Group Pty Ltd) attended.

**RESOLVED
167/12**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 2279 (20) Harvey Street, Town of Darwin for the purpose of a subdivision to create three lots, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation) the applicant is to prepare a site investigation report, to the requirements of the Department of Natural Resources, Environment, the Arts and Sport (NRETAS), to the satisfaction of the consent authority. The report is to outline the level of contaminants that can be expected to be found over Lot 2279 and the useability of that land in relation to the uses that can proceed on land in Zone CB (Central Business).

GENERAL CONDITIONS

2. Prior to the commencement of works, the applicant is to prepare a schematic plan demonstrating all stormwater can be collected on the site and discharged to Council's stormwater drainage system, to the requirements of City of Darwin and to the satisfaction of the consent authority.
3. Prior to the issue of Part 5 clearance under the *Planning Act*, the electricity supply easement that extends diagonally across Lot 2279, Town of Darwin, is to be relocated to the western end of 'proposed Lot A'. This must be undertaken to the requirements of, and in consultation with, the Power and Water Corporation, to the satisfaction of the consent authority.
4. Works carried out under this permit shall be in accordance the plans endorsed as forming part of this permit.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity and telecommunications services to the land shown on the endorsed plan in accordance with the authorities' requirements.
6. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for approval by the Surveyor General.
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, in accordance with Part 6 of the *Planning Act*, pay a monetary contribution to the City of Darwin's Developer Contributions Plan for stormwater drainage works for Darwin Zone L, to the satisfaction of the consent authority.
9. Soil erosion control measures must be employed throughout the construction stage of the subdivision, 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 in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. The developer is to contact 'Dial before you dig' on 1100 to obtain a location of the Telstra network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1-800-810-443.
3. The Department of Natural Resources, Environment, the Arts and Sport (NRETAS) advises that it is an offence to cause an environmental nuisance under section 83(5) of the *Waste Management and Pollution Control Act*.
4. The Department of Natural Resources, Environment, the Arts and Sport (NRETAS) advises that all excavated material from Lot 2279, Town of Darwin, for use on another site is to be certified by an appropriately qualified person under section 68 of the *Waste Management and Pollution Control Act*.
5. The Department of Natural Resources, Environment, the Arts and Sport (NRETAS) advises that the site has the potential to include contaminants and that remediation may be required prior to the development or use of Lot 2279, Town of Darwin, or the subsequent parcels described in this application.

REASONS FOR THE DECISION

1. The proposal is consistent with the primary purpose of Zone CB (Central Business), being to "provide for a diversity of activities including administrative, judicial, professional, office, entertainment, cultural, residential and retail and other business activities, with a commitment to the separation of incompatible activities".
2. The City of Darwin 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.

3. The proposed subdivision is considered consistent with the purpose of Zone CB (Central Business) of the NT Planning Scheme as all subsequent lots will be fairly regular and consistent in area and dimensions.
4. Pursuant to Section 51(j) of the *Planning Act*, the consent authority must take into consideration the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development. Subject to appropriate verification through stormwater management and environmental audit reports, as required by this permit, it is considered that the site will have been shown to be capable of the proposed development, and that none of the resultant lots will be unduly burdened.
5. In accordance with the requirements of section 51(m) of the *Planning Act*, consideration has been given to all comments received from service authorities, ensuring an appropriate level of service is maintained for the site and surrounding locality, and that all relevant requirements are met by the development.

ACTION: Notice of Consent and Development Permit

ITEM 8 WITHDRAWN

ITEM 9 4 X 3 BEDROOM MULTIPLE DWELLINGS IN 3 X 2 STOREY BUILDINGS
PA2012/0372 LOT 2227 (42) PHILIP STREET, TOWN OF DARWIN
APPLICANT RAW DESIGNS

Mr Robert Watt (Raw Design) and Mr Neil Adams (Owner) attended

RESOLVED That, pursuant to section 53(a) of the *Planning Act*, the Development Consent
168/12 Authority consent to the application to develop Lot 2227 (42) Philip Street, Town of Darwin, for the purpose of 4 x 3 bedroom multiple dwellings in 3 x 2 storey buildings, subject to the following conditions:

CONDITION PRECEDENT

1. 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 City of Darwin and to the satisfaction of the consent authority.

GENERAL CONDITIONS

2. Prior to the commencement of works (including site preparation), a 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. The plan must be drawn to scale with dimensions and two copies must be provided. The landscaping plan must be generally in accordance with the landscape concept plan prepared by Raw Designs. The plan must show:

- (a) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity, and quantities of each plant;
- (b) details of planting to all open fencing that demonstrates that the landscaping will provide a visual barrier within two years of planting, in accordance with the requirements of Clause 7.5 (Private Open Space) of the NT Planning Scheme;
- (c) provision of an in ground irrigation system to all landscaped areas; and
- (d) an electricity easement as required by and to the requirements of the Power and Water Corporation.

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

3. The works carried out under this permit shall be in accordance with drawing numbers 2012/0372/01 – 2012/0372/09 endorsed as forming part of this permit.
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 to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
6. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the City of Darwin, to the satisfaction of the consent authority.
7. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) collect stormwater and discharge it to the drainage network; and
 - (c) undertake reinstatement works;all to the technical requirements of and at no cost to the City of Darwin, to the satisfaction of the consent authority.
8. Before the use/occupation of the development starts the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
9. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
10. 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.

11. 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.
12. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.

NOTES:

1. This development permit does not grant "building approval" for the proposed structure. The Building Code of Australia requires that certain structures within 900mm of a boundary meets minimum fire resistance level requirements and you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing demolition or construction works.
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
3. The Department of Natural Resources, Environment, The Arts and Sport (NRETAS) advises that construction work should be conducted in accordance with the NRETAS Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the authority must consider any planning scheme that applies to the land to which the application relates.

The proposal to develop the lot for the purpose of 4 x 3 bedroom multiple dwellings in 3 x 2 storey buildings is consistent with the primary purpose of Zone MD (Multiple Dwelling Residential) which is to provide for a range of housing options to a maximum height of two storeys. The development is considered to be of a scale, character and architectural style that is compatible with the streetscape and surrounding development.

The application complies with Clauses 6.5.1 (Parking Requirements), 6.5.3 (Parking Layout) and 7.1 (Residential Density and Height

Limitations) of the NT Planning Scheme, and through submission of the required landscape plan, the proposal is capable of demonstrating compliance with Clause 7.5 (Private Open Space). A variation to the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) is supported as the non-compliance with this clause represents a trivial departure from the standard required which, in this case, is considered to result in sufficient demonstration of special circumstances for the variation sought.

2. A schematic stormwater plan is required in order for the development to demonstrate that it is technically feasible to collect stormwater on the site and dispose of it into Council's stormwater drainage system, and to ensure that no stormwater will sheet-flow into the road reserve or onto adjoining properties.
3. Pursuant to section 51(e) of the Planning Act, in considering a development application the consent authority is required to take into account any submissions made under section 49. Two submissions were received raising concerns with the proposal particularly in regard to overlooking, fencing style, over-densification/crowding and congestion caused within Philip Street caused by on-street vehicle parking. The design achieves compliance with the Scheme's requirements for fencing design, building height, dwelling density, private open space, on-site vehicle parking and requires a minor variation to building setback requirements caused by a 0.5m projection of a ground floor bathroom towards the side property boundaries. The extent of compliance achieved in other aspects of the design demonstrates consideration for existing dwellings, the streetscape and the type and scale of development in line with that expected by the community and promoted by the Planning Scheme.
4. Pursuant to section 51(n) of the *Planning Act*, the consent authority must take into account the potential impact on the existing and future amenity of the area in which the land is situated. The application is consistent with the primary purpose of Zone MD (Multiple Dwelling) and seeks only a minor variation to building setback requirements of the Scheme. The design exceeds the minimum standards of the Scheme which are intended to ensure no adverse impacts on the amenity of adjacent residents through undue overlooking, overshadowing and over-densification. The proposal is appropriate for the site and locality, and is not considered to result in any detrimental amenity impact on the surrounding area. Consideration has been given to the streetscape and existing developments in the locality. For the above reasons, the proposed development is not expected to negatively impact on the existing and future amenity of the area.

ACTION: Notice of Consent and Development Permit

ITEM 10
PA2012/0127

**CHANGES TO CARPARKING, LANDSCAPING AND FENCING TO AN EXISTING
OFFICE AND LIGHT INDUSTRY COMPLEX
LOT 5378 (15) ILIFFE STREET, TOWN OF DARWIN
ELTON CONSULTING**

APPLICANT

Ms Wendy Smith and Mr Martin Klopper (Elton Consulting) attended.

RESOLVED
169/12

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 5378 (15) Iliffe Street, Town of Darwin for the purpose of changes to car parking, landscaping and fencing to existing office and light industry complex, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), confirmation of an agreement with the City of Darwin with regard to the landscaping proposed within the road reserve is required. This confirmation is to specify that the City of Darwin does not object to these works and the details of the maintenance responsibilities of this landscaping.
2. 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 revised plans submitted with the application (with the Armidale Street fence partially setback 3m) but modified to show:
 - a. Details of the landscaping within the 'Escarpment Area' including planting on the southern most side of the fence proposed near the property boundary with Lot 2162, Town of Darwin.

GENERAL CONDITIONS

3. Prior to the commencement of works (including site preparation) a schematic plan is to be provided, demonstrating that all stormwater can be collected on the site and discharged to the requirements of City of Darwin. This plan is to include details of site levels and stormwater drain connection points within the vicinity of the site.
4. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
5. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.

6. Before the use or occupation of the development starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:

- (a) constructed;
- (b) properly formed to such levels that they can be used in accordance with the plans;
- (c) surfaced with an all-weather-seal coat; and
- (d) drained,

to the satisfaction of the consent authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.

7. The owner shall:

- (a) remove disused vehicle and/or pedestrian crossovers;
- (b) provide footpaths/cycleways;
- (c) collect stormwater and discharge it to the drainage network; and
- (d) undertake reinstatement works;

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

8. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the City of Darwin to the satisfaction of the consent authority.

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. The landscaping provided within Council's road reserve shall be subject to the technical requirements and approval by Council and at no cost to City of Darwin, to the satisfaction of the consent authority.

11. Before the use/occupation of the development starts the landscaping works shown on the endorsed plans (including within the road reserve) must be carried out and completed to the satisfaction of the consent authority.

12. The landscaping shown on the endorsed plans (including within the road reserve) must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.

NOTES:

1. All proposed work (including provision of services) within, or impacting upon Stuart Highway road reserve shall be in accordance with the standards and specifications of the Department of Lands and Planning.

2. The Developer or his Contractor is required to obtain a "Permit to Work within a Road Reserve" from the Department of Construction and Infrastructure prior to the commencement of any works within the Stuart Highway road reserve.

3. Notwithstanding the approved plans, all signage is subject to separate City of Darwin approval.
4. A "Permit to Work within a Road Reserve" may be required from the City of Darwin before commencement of any work within the road reserve.

REASONS FOR THE DECISION

1. The proposal as revised is generally consistent with the provisions of the NT Planning Scheme and the ongoing use of the land.
2. City of Darwin advises it is the sole authority responsible under the Local Government Act and associated by-laws for stormwater drainage and as such has requested details of the collection and discharge of stormwater for this proposal.

ACTION: Notice of Consent and Development Permit

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



PETER MCQUEEN
Chairman

9/7/12