



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 201 – FRIDAY 23 NOVEMBER 2012

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

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

APOLOGIES: Garry Lambert

OFFICERS PRESENT: Margaret Macintyre (Secretary), Peter Sdraulig, Steven Conn and Michael O'Neill (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 8.30 am and closed at 2.00 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 A 2 STOREY BUILDING**
PA2012/0742 **LOT 7751 (63) RUDDICK CIRCUIT, TOWN OF DARWIN**
PLANNER **PETER SDRAULIG**
APPLICANT **MANUEL LIVERIS**

Mr Manuel Liveris attended and tabled amended plans and a schematic stormwater plan.

Submitters Ms Megan Rowe and Ms Noni Connor sent their apologies.

Submitters Ms Carol Hassing, Mr Kevan Blake and Mr Michel Hall attended.

RESOLVED
281/12

That, the Development Consent Authority vary the requirements of Clause 7.1.1 (Residential Density Limitations) and Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the proposed development to develop Lot 7751 (63) Ruddick Circuit, Town of Darwin for the purpose of 4 x 3 bedroom multiple dwellings in a 2 story building, subject to the following conditions:

CONDITION PRECEDENT

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

GENERAL CONDITIONS

3. Works carried out under this permit shall be in accordance with the plans numbered 2012/0742/1 – 2012/0742/8 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, 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. 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 crossings and driveways to the site approved by this permit are to meet the technical standards of City of Darwin, to the satisfaction of the consent authority.

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. 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. 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.
10. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
11. 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.
12. All air conditioning condensers are to be appropriately screened from view from outside the site, 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.
13. 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.
14. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
15. Storage for waste disposal bins is to be provided to the requirements of City of Darwin to the satisfaction of the consent authority.

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and

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 is required to contact 'Dial Before You Dig' on 1100 to obtain a location of the Telstra Network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.
3. 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, City of Darwin and at no cost to Council.
4. The Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency's Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

REASONS FOR THE DECISION

1. The development is consistent with the intended use of this site for multiple dwellings nominated in the Schedule to Zone SD20 (Specific Use Darwin No. 20) the land use plan endorsed as part of Development Permit DP07/0321.
2. A variation to Clause 7.1.1 (Residential Density Limitations) of the NT Planning Scheme is considered justified in this instance as:
 - there is no evidence to suggest that the existing services in the area cannot support the proposed development; and
 - the proposal density is consistent with the planning principle of clause 4.2(a) of the NT Planning Scheme for the Darwin region, which aims to 'maximise existing development options including urban infill'.
3. A variation to Clause 7.3 (Building Setbacks of Residential Building) of the NT Planning Scheme for a reduced side setback is considered satisfactory in this instance as:

special circumstances are identified through the irregular shape of the land and the design response which reflects the irregular shape, with a slightly reduced setback within the narrow part compensated for by increased setbacks within the wider part; and the reduced setback is not expected to adversely affect the amenity of the area or the abutting site to the west due to likely siting of any dwelling to the west with a wider than normal setback from the common property boundary, and likely location of private open for any development to the west, both as shown

on the building envelope plan for the Frances Park Estate; and therefore is considered to satisfy the purposes of this clause which is to ensure that residential buildings and structures without external walls are located so 'as to minimise any adverse effects of building massing when viewed from adjoining land and the street', so 'as to avoid undue overlooking of adjoining properties', and so 'as to encourage breeze penetration through and between buildings'.

ACTION: Notice of Consent and Development Permit

ITEM 2 **138 X 1 AND 50 X 2 BEDROOM MULTIPLE DWELLINGS IN A 15 STOREY**
PA2012/0730 **BUILDING INCLUDING CAR PARKING AT GROUND LEVEL AND LEVEL 1, PLUS 1**
 LEVEL OF BASEMENT CAR PARKING
 LOTS 5953 & 6665 (6) CAREY STREET & (31) TIGER BRENNAN DRIVE, TOWN OF
 DARWIN
APPLICANT **ELTON CONSULTING**

DAS tabled an addendum.

Mr Martin Klopper and Mr Luke Jackson (Elton Consulting) and Mr Michael Anthony (owner) attended.

RESOLVED
282/12

That, the Development Consent Authority vary the requirements of clauses 6.3.2 (Volumetric Control in Central Darwin), 6.3.3 (Urban Design Requirements in Central Darwin), 6.5.3 (Parking Layout) and 7.5 (Private Open Space) of the Northern Territory Planning Scheme, and pursuant to section 53(b) of the *Planning Act* the Development Consent Authority alter the proposed development and consent to the proposed development as altered to develop Lots 5953 and 6665, Town of Darwin (6 Carey Street and 31 Tiger Brennan Drive) for the purpose of 138 x 1 bedroom and 50 x 2 bedroom multiple dwellings in a 15 storey building including carparking at ground level and level 1, plus 1 level of basement carparking, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) Fixed shade structures and shade landscaping to the communal open spaces areas at podium level;
 - b) Clarification as to how flow through and ventilation of natural air is achieved in internal passages;
 - c) Height details of the wall around the podium level showing a minimum height of 1.8m; and

- d) Details of the proposed treatment of the facade of the building to reduce internal heat levels such as insulating paint or cladding.
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a traffic impact assessment report prepared in accordance with the Austroads document 'Guide to Traffic Management Part 12: Traffic Impacts of Developments'. The report must outline changes that will be required to the surrounding road network and address vehicular, pedestrian, cyclist and public transport issues and opportunities. It is to include swept paths for waste collection vehicles entering and exiting the site and is to take into account vehicles parked along both sides of Carey Street. The report is to be to the approval of the City of Darwin, to the satisfaction of the consent authority.
3. Prior to the 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 Transport's Road Networks Division and/ or the City of Darwin, to the satisfaction of the consent authority.

GENERAL CONDITIONS

4. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
5. Before the use commences the owner must, in accordance with section 70(5) of the *Planning Act*, pay a monetary contribution to the City of Darwin for any on-street car parking bays on Carey Street 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*.
6. Before the use commences the owner must, in accordance with Part 6 of the *Planning Act*, pay a monetary contribution to the City of Darwin for the upgrade of local stormwater infrastructure, in accordance with its Stormwater Contribution Plan.
7. An Occupancy Permit under the *Building Act* must not be issued until Lots 5953 and 6665, Town of Darwin, have been consolidated and a new title issued for the consolidated lot.
8. The carparking area and all marked parking spaces, including the motorcycle bays and bicycle parking areas, are to satisfy the requirements of Australian Standard AS 2890 (*Off-street carparking*), prior to issue of an Occupancy Permit under the *Building Act*.
9. All noise attenuation works deemed necessary for the development to comply with Australian Standard AS 3671 'Road traffic noise intrusion – Building siting and design' are to be completed prior to issue of an Occupancy Permit under the *Building Act*.

10. All works recommended by the Traffic Impact Assessment report are to be completed to the requirements of the City of Darwin, 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. Any easements required for the reticulation of water supply, drainage, sewerage facilities, electricity or telecommunication services shall be provided in accordance with the relevant authority's requirements and applicable legislation at the time, at no cost to those authorities.
13. 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.
14. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin to the satisfaction of the consent authority.
15. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the consent authority.
16. 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) drained;
 - (c) line marked to indicate each car space and all access lanes; and
 - (d) 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.
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/ or the Road Networks Division of the Department of Transport, to the satisfaction of the consent authority.
18. No polluted and/ or sediment laden run-off is to be discharged directly or indirectly onto adjacent land, roadways and stormwater drainage systems.
19. Stormwater is to be collected and discharged into the local drainage network to the technical standards of, and at no cost to, the Road Networks Division of the

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

20. The loading and unloading of goods from vehicles must only be carried out on the land within the designated loading bays and must not disrupt the circulation and parking of vehicles on the land.
21. 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.
22. 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.
23. 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.
24. 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. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to the City of Darwin.
3. Notwithstanding the approved plans, any proposed works (including landscaping and structures) within Council's road reserve and Council land is subject to Council's approval and shall meet all Council's requirements, to the satisfaction of the General Manager of Infrastructure, City of Darwin and at no cost to Council.
4. The Department of Lands, Planning and the Environment's 'Environment Protection Agency' advises that construction work should be conducted in accordance with the Department's Noise guidelines for development sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

5. Approval must be submitted to the Department of Defence for any cranes used during construction that will infringe on either the Obstacle Limitation Surfaces (OLS) or Procedures for Air Navigation – Operations (PAN-OPS) surfaces for Darwin Airport.
6. The Department of Defence has advised that separate approval is required from the Department of Defence under regulation 10 of the Defence (Areas Control) Regulations (DACR). Until such time as an approval is obtained the applicant is not to construct any structure on the site that exceeds 45m above ground level. Please refer to regulation 8 of the DACR, which outlines the application process and the information required. A copy of the regulation can be obtained at <http://www.comlaw.gov.au>.
7. All fencing to the Tiger Brennan Drive is to be to the standards of the Department of Transport, and any landscaping within the Tiger Brennan Drive road reserve is to be to the approval of the Department of Transport.
8. Any services or connections within the Tiger Brennan Drive road reserve are subject to approval from the Department of Transport.
9. It is advised that any works within the Tiger Brennan Drive road reserve will require a 'Permit to work within a road reserve' from the Department of Infrastructure.
10. The finish of any Prime Identification sign, if erected, shall be such that, if illuminated, day and night readability is the same and is of constant display (i.e. not flashing or variable message). The sign shall be positioned so as not to create sun or headlight reflection to motorists, and be located entirely (including foundations and aerially) within the subject lot.
11. The developer is required to contact 'Dial Before You Dig' on 1100 to obtain a location of the Telstra Network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.

REASONS FOR THE DECISION

1. The 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, retail and other business activities, with a commitment to the separation of incompatible activities".
2. A variation to the requirements of clause 6.3.2 (Volumetric Control in Central Darwin) of the Northern Territory Planning Scheme is supported as the non-compliance affecting the southwestern/ side facade equates to 5.24m or 7.6% of the length of the adjacent boundary. As all other facades are compliant and the non-compliance is minor, and is not in place for the top two levels of the development, this is seen as acceptable, and not to conflict with the purpose of the clause, being to "ensure that the siting and mass of buildings within Central Darwin promotes a built form that maximises the potential for view corridors to

Darwin harbour, the penetration of daylight and breeze circulation between buildings, and promotes privacy for residents of adjoining properties”.

Special circumstances, as per clause 2.5 (Exercise of Discretion by the Consent Authority) are seen to result from the site’s irregular shape and the effect that two non-linear boundaries have on the building. The development incorporates setbacks of a minimum of 6m around the perimeter of the building for Tier 2, with a small void at the northwestern end of the building and a significant void above the communal open space area, for all levels beyond level 3, not impacting on access to views to Darwin harbour, and will not have any noticeable impact on daylight and breezes, in addition to the fact that the building, at a height of 45.4m is well below the maximum permissible in the Central Darwin Core Area.

3. A variation to the requirements of clause 6.3.3 (Urban Design Requirements in Central Darwin) of the Northern Territory Planning Scheme is supported as the non-compliances are seen as acceptable in the context of the site being separated from the majority of the Darwin CBD by McMinn Street and there being no through access to the north, meaning that the potential for pedestrian thoroughfare is genuinely limited. Although parking spaces are provided at ground level, none will be visible from the street or from other sites, this pointing most directly towards the intention of this clause, for “exemplary urban design”. The non-compliance in relation to subclause 3(f)(ii) is seen to be appropriately addressed by the condition requiring submission of a traffic study to the standards of the Austroads document ‘Guide to Traffic Management Part 12: Traffic Impacts of Developments’ and to the requirements of the City of Darwin. The non-compliances against subclause 9 and for an active interface to be provided constituting 75% of the length of the site boundary at street level are also deemed acceptable in the context of the location of the site and the level of active interface that is provided, with the development presenting an assessed active frontage of 64.8% or a shortfall of just 4.3m in street frontage. The development presents landscaping in addition to a guest services room and lift lobby and reception rooms. It is also noted that the substation fronting Carey Street is to be partly screened by a ‘green wall’ and shall include additional landscaping on its roof. Considering this the development’s attention to the requirements of clause 6.3.3 is seen as acceptable and appropriate.
4. A variation to the requirements of clause 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme is supported as the applicant has confirmed that the carparking area and all spaces will comply with Australian Standard AS2890, which gives an assurance as to the workability of the parking area and its connection to the purpose of the clause, “to be appropriately designed, constructed and maintained for its intended purpose.. of vehicular parking only”. The number of ‘short car’ bays constitutes 8 out of 215 spaces, or 3.7%, an acceptable proportion for a large multi storey development, and commonly necessary to make use of awkward spaces within a development, noting that the site is not square and that all ‘small car’ bays are located adjacent to the ramp

ingress/ egress points and lift area located on each level. As all spaces are for residents of the development there is also seen to be a greater level of familiarity with the parking area and predictability to its use to account for the waiver to this clause.

5. A variation to the volumetric controls of clause 7.5 (Private Open Space) of the Northern Territory Planning Scheme is supported as the 26 dwellings that have private open space areas that incorporate dimensions that are not in accord with the table to the clause have areas of 2.3m x 5.5m or 2.4m x 4.4m, each only slightly less than the standard given in the table of a space measuring 2.8m x 4m. Importantly, the area provided for each dwelling is greater than the 12m² given by clause 7.5, and extends directly from the main living space, providing a useable space for future residents, the majority of which also enjoy good views to Carey Street or over Tiger Brennan Drive. The tapering of the site, to the northern end of Carey Street, is also seen as a special circumstance, in accordance with clause 2.5 (Exercise of Discretion by the Consent Authority), constraining any regular shaped development along this part of the site.
6. A schematic stormwater plan is required in order for the development to demonstrate that it is technically feasible to collect stormwater on the site and dispose of it into the local underground stormwater system, to the appropriate standards, and to ensure that no stormwater will sheet-flow into the road reserve or onto adjoining properties.
7. Payment in lieu to Council for the removal of any on-street parking spaces is supported as it is necessary that compensation be provided for the loss of an existing Council asset.
8. 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. Subsequently, noise attenuation, to the standards given in Australian AS 3671 'Road traffic noise intrusion – Building siting and design' is to be undertaken to ensure an appropriate level of amenity to the future residents of the development, noting the proximity of many of the dwellings to Tiger Brennan Drive.
9. Consolidation is required by Power and Water Corporation as only one point of power supply will be provided for the proposed development, which currently extends over both lots 5953 and 6665, Town of Darwin. Consolidation is also required to ensure that the development does not extend across lot boundaries.

ACTION: Notice of Consent and Development Permit

ITEM 3
PA2012/0724
APPLICANT

3 X 3 BEDROOM MULTIPLE DWELLINGS IN A 2 STOREY BUILDING
LOT 10604 (11) WARTON STREET, TOWN OF NIGHTCLIFF
ANASTASIOS KAMMAS

Mr Michael Alakiotis attended on behalf of the applicant.

RESOLVED
283/12

That, the Development Consent Authority vary the requirements of Clauses 6.5.3 (Parking Layout), 7.1.1 (Residential Density Limitations), 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 10604 (11) Warton Street, Town of Nightcliff for the purpose of 3 x 3 bedroom multiple dwellings in a 2 storey building, subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with drawings numbered 2012/0724/01 through to 2012/0724/07, endorsed as forming part of this permit.
2. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities and telecommunication networks to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
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 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.
5. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways;
 - (c) collect stormwater and discharge it to the drainage network; and
 - (d) undertake reinstatement works;all to the technical requirements of and at no cost to City of Darwin, to the satisfaction of the consent authority.
6. Storage for waste disposal bins is to be provided to the requirements of City of Darwin, to the satisfaction of the consent authority.
7. All air conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.

8. 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.
9. Before the occupation of the development starts the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
10. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
11. 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.
12. 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.
13. 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 Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency's Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
4. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development is available from the Department of Land Resource Management.
5. Power and Water Corporation has advised that 24 hour access to the 1 x 1m electricity easement within the property is to be maintained.

6. The developer will be required to contact "Dial Before You Dig" on 1100 to obtain the location of the Telstra network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.

REASONS FOR THE DECISION

1. The proposed development is consistent with the purpose of Zone SD23 (Specific Use Darwin 23), being to facilitate the subdivision, use and development of the land as a residential estate that provides for housing choice through a range of lot sizes and housing types.
2. A variation to the 6 metre wide requirement of Clause 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme is supported, as the crossover would be of a scale appropriate for its intended use. Given that the crossover would only serve two dwellings, it would not generate enough vehicular activity to warrant a 6 metre wide crossover to accommodate two-way traffic. Cars leaving the site would also be doing so at an angle or reversing from the garage, thereby preventing two-way traffic anyway.
3. A variation to the 3 metre landscaping requirement of Clause 6.5.3 (Parking Layout) is supported as the exposed aggregate driveway area would be appropriate for its purpose, of a scale proportionate to the development proposed and in keeping with the streetscape and surrounding development. Apart from the two driveways, the rest of the site's street frontage is landscaped.
4. The design principles of Zone SD23 (Specific Use Zone Darwin 23) and the maximum building envelopes approved for Muirhead lots are considered to represent special circumstances.

A variation to the setback requirements of Clause 7.3 (Building Setbacks of Residential Buildings) is acceptable in this instance as the proposed development's compliance with the maximum building envelope for the site is considered a better outcome and more likely to address the objectives of Clause 7.3 and Zone SD23 than if the development were designed to fully comply, but also take full advantage of, the minimum setback requirements of Clause 7.3.

The proposed development would be compatible with the streetscape as it would present a dual frontage with setbacks consistent with nearby single dwellings developed in accordance with maximum building envelopes. The Moore and Warton Street facades of the building are comprised of a range of different building materials and colours, with verandah's and balconies included within each facade as well as varying roof heights to aid in minimising any adverse effect in terms of building massing.

The 2 metre setback to the northern side boundary would be unlikely to lead to instances of undue overlooking as the first floor habitable room

windows are partially screened, and the neighbouring single dwelling to the northwest (9 Warton Street) has been sited in accordance with its maximum building envelope, with a 4 metre setback to the common side boundary. The proposed 2 metre setback on the subject site would therefore result in a 6 metre setback between dwellings, whereas if both sites were developed in accordance with the setback requirements of Clause 7.3, habitable rooms on each site could be located as little as 3 metres apart.

The proposed siting of the building is considered to encourage breeze penetration through and between buildings as it maintains a 4.5 metre side-yard breezeway along the northeast side boundary where only a 1.5 metre setback is required, thereby promoting the design philosophy of Zone SD23.

5. A variation to Clause 7.5 (Private Open Space) in regard to the non-compliant dimensions of Unit 3's private open space is acceptable given the minor nature of the non-compliance. The private open space area of Unit 3 well exceeds the 45m² minimum size requirement, and each area is appropriately sited and of dimensions adequate to provide for domestic purposes, and therefore consistent with the purpose of the clause.
6. A variation to Clause 7.5 (Private Open Space) in regard to fencing of private open spaces is acceptable as the fencing and screening vegetation proposed achieves a balance between visual privacy and consideration of the streetscape. The 1.5 metre timber slat screen fencing and hedge landscaping would still present a visual barrier to the front private open space areas of each dwelling when viewed from the street, consistent with the intent of Clause 7.5.

ACTION: Notice of Consent and Development Permit

ITEM 4 **CHANGE OF USE FROM SHOWROOM SALES TO MEDICAL CLINIC (BUILDING**
PA2012/0766 **2 TENANCY 2)**
APPLICANT **LOT 9585 (356) BAGOT ROAD, TOWN OF NIGHTCLIFF**
MASTERPLAN NT

Mr Brad Cunnington and Ms Adelle Godfrey (Masterplan NT) attended.

RESOLVED That, the Development Consent Authority reduce the parking requirement under
284/12 clause 6.5.2 (Reduction in Parking Requirements) of the Northern Territory Planning
Scheme, and pursuant to section 53(a) of the Planning Act consent to the application
to develop Lot 9585 (365) Bagot Road, Town of Nightcliff for the purpose of a change
of use from showroom sales to a medical clinic (Tenancy 2 of Building 2), subject to
the following conditions:

1. Works carried out under this permit shall be in accordance with the drawings numbered 2012/0766/1 and 2012/0766/2, 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, sewerage facilities, and electricity to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.

NOTES:

1. The Power and Water Corporation advises that:
Payment is to be made in accordance with PAWC's 'water and sewerage services extension policy' (WASSEP) prior to the receipt of development clearance from PAWC.
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. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to the City of Darwin.
4. The finish of any Prime Identification sign, if erected, shall be such that, if illuminated, day and night readability is the same and is of constant display (i.e. not flashing or variable message). The sign shall be positioned so as not to create sun or headlight reflection to motorists, and be located entirely (including foundations and aurally) within the subject lot.
5. It is an offence to cause an environmental nuisance under section 83(5) of the Waste Management and Pollution Control Act.

REASONS FOR THE DECISION

1. The proposal accords with the primary purpose of Zone SD4 (Specific Use – Darwin No. 4), being "to facilitate the use and development of the land for a limited range of residential and commercial activities", with the use being a listed consent activity in the zone.

2. A reduction in the parking requirements under clause 6.5.2 (Reduction in Parking Requirements) is supported as the submitted traffic and carparking assessment, prepared by Carter Rytenskild Group, shows there to be a sufficient working surplus on the site to accommodate the proposed medical clinic.

ACTION: Notice of Consent and Development Permit

ITEM 5
PA2010/0492
APPLICANT

VARIATION - AMEND SITE SETBACKS OF BUILDING GROUPS D / E AND F
LOTS 6571, 6572, 6573, 6574, 6575 & 6576 (1) MANUNDA TERRACE, (30), (32),
(34), (36) & (38) KALYMNOS DRIVE, TOWN OF SANDERSON
MILNE ARCHITECTS

Mr Hamish Milne (Milne Architects) and Mr Peter La Pira (Joondanna Investments – owners) attended.

RESOLVED
285/12

That, pursuant to section 86(1) of the *Planning Act*, the Development Consent Authority delegate to the Chairman, or in the Chairman's absence to any one of the other members of the Darwin Division, the power to determine the proposed variation to the development approved under Development Permit DP11/0696 on Lots 6571 through to 6576, (1) Manunda Terrace, (30), (32), (34), (36) & (38) Kalymnos Drive, Town of Sanderson, for the purpose of changes to the site and floor layouts, building dimensions and elevations, subject to:

- (a) Submission of amended plans demonstrating improved cross-ventilation, particularly to the side walls of Buildings A, B, C and E, without increasing overlooking opportunities to abutting properties, and minimisation of blank walls; and
- (b) The addition of a standard condition to the Development Permit requiring that external lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the consent authority.

REASONS FOR THE DECISION

1. The development would remain consistent with the primary purpose of Zone MR (Medium Density Residential), being to provide for a range of housing options to a maximum height of four storeys above ground level.
2. The nature of the changes will not materially affect the amenity of adjoining or nearby land or premises. The proposed changes would not result in the development being of a scale, character and architectural style substantially different to what was originally approved.
3. Amended plans demonstrating improved cross-ventilation and minimisation of blank walls are required to ensure that the development remains consistent with the purpose of Clause 7.8 (Building Design for Multiple Dwellings, Hostels and Supporting Accommodation), being to promote site-responsive designs for hostels, multiple dwellings and supporting accommodation which are pleasant for the occupants and do not unreasonably affect the use and enjoyment of adjacent land.

4. The addition of a condition to the Development Permit regarding the location, design and treatment of external lighting will ensure that any external lighting within the development will not adversely impact adjacent or nearby land or premises.

ACTION: Advice to Applicant

ITEM 6 **WAREHOUSE AND ANCILLARY OFFICES IN A SINGLE STOREY BUILDING**
PA2012/0776 **INCLUDING A MEZZANINE FLOOR, EXCEEDING 8.5 METRES IN HEIGHT**
APPLICANT **SECTION 6037 (11) WILLES ROAD, HUNDRED OF BAGOT**
ONE PLANNING CONSULT

Mr Israel Kgosiemang (One Planning Consult) and Mr Warren Ekins (owner) attended.

RESOLVED
286/12

That, the Development Consent Authority vary clauses 6.1 (General Height Control) and 9.1 (Industrial Setbacks) of the NT Planning Scheme and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Section 6073 (11) Willes Road, Hundred of Bagot for the purpose of Warehouse and ancillary offices in a single storey building including a mezzanine floor, exceeding 8.5m in height, 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, to the satisfaction of the consent authority.

GENERAL CONDITIONS

2. Works carried out under this permit shall be in accordance with the plans numbered 2012/0776/01 through 2012/0776/03 and endorsed as forming part of this permit.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity services to the land shown on the endorsed 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. The kerb crossings and driveways to the site approved by this permit are to meet the technical standards of City of Darwin, to the satisfaction of the consent authority.

6. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways;
 - (c) collect stormwater and discharge it to the drainage network; and
 - (d) undertake reinstatement works;all to the technical requirements of and at no cost to City of Darwin to the satisfaction of the consent authority.

7. Before the use or occupation of the development starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat;
 - (d) drained;
 - (e) line marked to indicate each car space and all access lanes; and
 - (f) clearly marked to show the direction of traffic along 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.

8. 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.

10. 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.

10. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.

11. 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.

12. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above roof level of the building.

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

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

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and 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 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, City of Darwin and at no cost to Council.
3. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to Council.
4. The developer is required to contact "Dial Before You Dig" on 1100 to obtain a location of the Telstra Network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.

REASONS FOR THE DECISION

1. The proposal is generally consistent with the purpose of Zone GI (General Industry) which is to 'provide for general industry'.
2. A variation to Clause 6.1 (General Height Control) of the NT Planning Scheme for a building exceeding 8.5m in height can be supported as the height proposed is not considered excessive in the site's context and use of the subject site. The specific use of the site necessitates an internal roof height that can accommodate the intended equipment storage as well as the safe manoeuvrability of said equipment. Further, the building height is not considered excessive when accounting for the discrepancy in elevation between the subject site and neighbouring lots at the rear along Mel Road. The proposed warehouse is considered consistent with the purpose of the clause which is to 'ensure that the height of buildings in a zone is consistent with development provided for by that zone'.
3. A variation to Clause 9.1 (Industrial Setbacks) of the NT Planning Scheme can be supported as the encroachment of the setback is with a verandah and support columns only; it is anticipated therefore to have a lesser impact on neighbouring Section 6038 than a solid wall. Further to this, adjacent section 6038 is owned by the land owner of the subject parcel.

ACTION:

Notice of Consent and Development Permit

ITEM 7
PA2012/0821

11 X 2 BEDROOM MULTIPLE DWELLINGS IN A 4 STOREY BUILDING
INCLUDING GROUND LEVEL CAR PARKING (AS PREVIOUSLY APPROVED BY
DEVELOPMENT PERMIT DP08/0266)

APPLICANT

LOT 1399 (28) SERGISON CIRCUIT, TOWN OF NIGHTCLIFF
STUART REID

DAS tabled an addendum.

Submitters in attendance:- Ms Fernanda Dupal and Mr Robert Darcy (Late Submitter).

RESOLVED
287/12

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 1399 (28) Sergison Circuit, Town of Nightcliff for the purpose of 11 x 2 bedroom multiple dwellings in a 4 story building, 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 City of Darwin, to the satisfaction of the consent authority.

GENERAL CONDITIONS

2. Works carried out under this permit shall be in accordance with the drawings numbered 2012/0821/1 through 2012/0821/9 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 and telecommunication networks to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of, and be at no cost to the City of Darwin, to the satisfaction of the consent authority.
6. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways;
 - (c) collect stormwater and discharge it to the drainage network; and
 - (d) undertake reinstatement works;all to the technical requirements of, and at no cost to the City of Darwin, and to the satisfaction of the consent authority.

7. Before the use or occupation of the development starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather 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.
8. 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.
9. 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.
10. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
11. 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.
12. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
13. 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.
14. 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.
15. 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.
16. Storage for waste disposal bins is to be provided to the requirements of City of Darwin to the satisfaction of the consent authority.

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and 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.

REASONS FOR THE DECISION

1. The proposal to construct 11 x 2 bedroom multiple dwellings in a four storey building (as previously approved by Development Permit DP12/0266) is consistent with the primary purpose of Zone MR (Medium Density Residential) which is to 'provide for a range of housing options to a maximum height of four storeys'.
2. A variation to clause 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme is supported as :
 - the varied side setback would also be consistent with side setbacks on similar developments in the immediate area; and
 - the sections of wall containing habitable room windows would be setback in accordance with the requirements of clause 7.3 of the scheme, thereby minimising overlooking of abutting properties.
3. A variation to clause 7.6 (Communal Open Space) of the Northern Territory Planning Scheme is supported as extensive and high quality public open space is located within convenient walking distance from the subject site and each unit meets the requirements for private open space.

ACTION: Notice of Determination

**ITEM 8
PA2012/0650**

**DEPENDANT UNIT ADDITION TO AN EXISTING SINGLE DWELLING WITH
REDUCED SIDE SETBACKS**

APPLICANT

**LOT 4291 (41) CARPENTIER CRESCENT, TOWN OF NIGHTCLIFF
EMMANOUIL RINIOS**

Mr Emmanoul Rinos and Tammy (Interpreter) attended.

Submitters in attendance: - Mr Nicholas and Ms Angela Tait.

**RESOLVED
288/12**

That, pursuant to section 53(c) of the *Planning Act*, the Development Consent Authority refuse consent to the application to develop Lot 4291 (41) Carpentier Crescent, Town of Nightcliff for the purpose of a dependant unit addition to an existing single dwelling with reduced side and internal setbacks, subject to the following reasons:

REASONS FOR THE DECISION

1. Pursuant to Clause 2.5 (Exercise of Discretion by the Consent Authority) of the Northern Territory Planning Scheme, the consent authority may consent to the development of land that does not meet the standard set out in Part 4 only if it is satisfied that special circumstances justify the giving of consent. Whilst the shape of the site is not regular and it is slightly smaller than surrounding sites, this is not considered by the Development Consent Authority to constitute a special circumstance as it is not so severe to restrict development of a compliant building on the site.
2. The dependant unit is inconsistent with the purpose of Clause 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme due to its proximity to private open space areas on adjacent properties and height of 3.9m. Given this, the reduced setbacks would have an adverse visual impact in terms of building massing when viewed from these properties. The Development Consent Authority noted that given the limited space available, screening vegetation within the reduced setback areas is not considered capable of obscuring the building to such an extent that it would offset the adverse effects of building massing.
3. Given the conflicting statements made by the Applicant in the application and at each meeting it was not possible to be satisfied that the proposed development was likely to be used as a dependant unit if constructed.

ACTION: Notice of Refusal

ITEM 9
PA2012/0704

30 X 2 AND 2 X 3 BEDROOM MULTIPLE DWELLINGS IN A 9 STOREY BUILDING INCLUDING CAR PARKING AT GROUND LEVEL AND LEVEL 1 LOT 1407 (3) MANTON STREET, TOWN OF DARWIN
APPLICANT
JUNE D'ROZARIO & ASSOCIATES PTY LTD

Ms June D'Rozario (June D'Rozario & Associates Pty Ltd), Mr Leo Athanasiou (owner) and Mr George Savvas (Concept Designs North) attended/

RESOLVED
289/12

That, the Development Consent Authority vary the requirements of Clause 6.3.2 (Volumetric Control in Central Darwin), Clause 6.3.3 (Urban Design Requirements in Central Darwin), Clause 6.5.3 (Parking Layout), Clause 7.5 (Private Open Space) and Clause 7.6 (Communal Open Space) of the NT Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application to develop Lot 1407 (3) Manton Street, Town of Darwin for the purpose of 28 x 2 and 2 x 3 bedroom multiple dwellings in a 9 storey building including car parking at ground level and level 1, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a traffic impact assessment report prepared in accordance with the Austroads document 'Guide

to Traffic Management Part 12: Traffic Impacts of Developments', with particular attention to vehicular, pedestrian, cyclist and public transport issues and opportunities. The report is to be to the approval of the City of Darwin, 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 obtain written 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

3. Works carried out under this permit shall be in accordance with the plans endorsed as forming part of this permit.
4. Prior to commencement of use, in accordance with Section 70(5) of the Planning Act, a monetary contribution is to be made to City of Darwin with respect to any on-street car parking spaces 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 Act.
5. Pursuant to Part 6 of the Planning Act, 'Developer Contributions', a monetary contribution shall be paid to City of Darwin in accordance with Council's 'Developer Contribution Plans for Stormwater Drainage Works'.
6. 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.
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 kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of City of Darwin, to the satisfaction of the consent authority.
9. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways;
 - (c) collect stormwater and discharge it to the drainage network; and
 - (d) undertake reinstatement works;all to the technical requirements of and at no cost to City of Darwin to the satisfaction of the consent authority.
10. Before the use or occupation of the development starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;

- (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat;
 - (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.
11. 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.
 12. 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.
 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. Soil erosion and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
 16. 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.
 17. All air conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
 18. Storage and collection of waste disposal bins is to be provided to the requirements of City of Darwin to the satisfaction of the consent authority.

NOTES:

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

2. Power and Water Corporation advise that the developer will be required to provide a monetary contribution towards the upgrade of the local sewer infrastructure.
3. 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, City of Darwin and at no cost to Council.
4. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to Council.
5. The developer is to contact Telstra via <http://www.telstrasmartcommunity.com/> prior to any work commencing to facilitate the installation of the Telstra Network.
6. The Department of Lands, Planning and the Environment's 'Environment Protection Agency' advises that construction work should be conducted in accordance with the Department's Noise guidelines for development sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

REASONS FOR THE DECISION

1. The proposal 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. A variation to Clause 6.3.2 (Volumetric Control in Central Darwin) of the NT Planning Scheme for the Tier 2 component is based on it:
 - being only a small section exceeding the 25m in height which will not present excessive building massing;
 - enabling views to the street, enhancing passive surveillance opportunities and community safety;
 - providing improved building aesthetics than if the Tier 2 were setback the full 6m; and
 - not adversely impacting on privacy or breeze circulation;
 - and therefore the proposal is able to achieve the purpose of the clause which is to 'ensure the siting and mass of buildings within Central Darwin promotes a built form that maximises the potential for view corridors to Darwin harbour, the penetration of daylight and breeze circulation between buildings and promotes privacy for residents of adjoining properties'.

3. Variation to Clause 6.3.3 (Urban Design Requirements in Central Darwin) of the NT Planning Scheme for a 50% active street frontage and car parking at ground level is on the basis of the provision of necessary services, and the site constraint of an existing easement restricting the ability to construct a basement car park.
4. Variations to Clause 6.3.5 (Car Parking Layout) of the NT Planning Scheme is on the basis that the car park has been designed in accordance with the relevant Australian Standard (as confirmed by an engineer's statement) and will therefore achieve the purpose of the clause which is to 'ensure that a car parking area is appropriately designed, constructed and maintained for its intended purpose'.
5. A variation to Clause 7.5 (Private Open Space) of the NT Planning Scheme is based on exceptional connections between the balcony areas and appurtenant living rooms, designed to largely result in an extension of the open space into the appurtenant living rooms.
6. A variation to Clause 7.6 (Communal Open Space) of the NT Planning Scheme is based on:
 - all the communal space is contiguous and much of it over 5m in width;
 - the area being of a high quality comprising a swimming pool and outlook to the Frogs Hollow Centre for the Arts (to the rear) which is largely undeveloped and acts similar to public open space; and
 - provision of a indoor recreation area which provides a similar recreational function;

and therefore achieves the purpose of the clause which is to 'ensure that suitable areas for communal open space are provided for multiple dwellings'.

ACTION: Notice of Consent and Development Permit

ITEM 10 **VARIATION - PROPOSED CHANGE OF USE TO LEISURE AND RECREATION
PA2012/0274** **(GYM) PURPOSES AT UNIT 23B THE SITE IS ZONED FOR COMMERCIAL
PURPOSES.**

APPLICANT **LOT 9308 (54) BRADSHAW TERRACE, TOWN OF NIGHTCLIFF
TOWN PLANNING ALLIANCE**

DAS tabled the addendum.

Mr Vu Nguyen (Town Planning Alliance), Mr Simon Crank (Director TTM Consulting - Traffic Engineer) and Griff Davies (Snap Fitness) attended.

Submitter:-Mr Brad Cunnington and Ms Adelle Godfrey (Masterplan NT)

RESOLVED That, pursuant to section 57(3) of the *Planning Act*, the Development Consent

Authority grant consent to the proposed variation to DP12/0452 for the purpose of removing condition no. 7. In all other respects development permit DP12/0452 remains unchanged, with the permit to now read as follows:

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 generally in accordance with the plans submitted with the application but modified to show removal of the proposed access ramp where located over existing carparking spaces.
2. Works carried out under this permit shall be in accordance with the plans endorsed as forming part of this permit.
3. The use and/ or development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
4. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity and telecommunication networks to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
6. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.

NOTES:

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

REASONS FOR THE DECISION

1. The subject variation will not alter the development approved through DP12/0452 in any way, being for a change of use to leisure and

recreation (24 hour gymnasium) and results in a use that remains consistent with the primary purpose of Zone C (Commercial).

2. The applicant has submitted a traffic study, prepared by TTM Consulting Pty Ltd, identifying the potential impact of the 24 hour gymnasium on the surrounding road network, with the primary conclusion that there is ample parking available on the site. TTM has undertaken research on similar uses and determined that such gymnasiums with a class of 30 people typically generate a demand for 1 space per 17m² of floor area, virtually identical to the rate in clause 6.5.1 for a shop of 1 space per 16.67m² (listed as 6 per 100m²), and therefore matching the number of spaces that are in place for the tenancy.

In all other respects the works approved through DP12/0452 remains unchanged.

ACTION: Variation to Development Permit

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



PETER MCQUEEN
Chairman

28/11/12