

**DEVELOPMENT CONSENT AUTHORITY**

**DARWIN DIVISION**

**MINUTES**

**MEETING No. 207 – FRIDAY 22 MARCH 2013**

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

**MEMBERS PRESENT:** Peter McQueen (Chairman), David Hibbert, Grant Tambling, Garry Lambert and Robin Knox

**APOLOGIES:** Nil

**OFFICERS PRESENT:** Margaret Macintyre (Secretary), Hanna Stevenson, Peter Sdraulig, Sally Cunningham and Michael O'Neill (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Cindy Robson (Strategic Town Planner)(Item 5 only)

**Meeting opened at 9.30 am and closed at 12.noon**

**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**  
**PA2012/0948**        **LOT 1080 (57) TROWER ROAD, TOWN OF NIGHTCLIFF**  
**APPLICANT**        **YELLOWCITY PTY LTD**

DAS tabled and addendum – a submitter withdrew support for the development.

Mr Terry Nixon (Yellowcity Pty Ltd), Mr Haydon Noble and Ms Leanne Bennett (owners) attended.

**RESOLVED**  
**62/13**

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(b) of the *Planning Act*, alter the proposed development and consent to the proposed development as altered to develop Lot 1080 (57) Trower Road, Town of Nightcliff, for the purpose of 4 x 3 bedroom multiple dwellings in a 2 storey building, subject to the following conditions:

#### **CONDITIONS PRECEDENT**

1. Prior to the commencement of works (including site preparation) a full set of amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - (a) the private open space areas of each dwelling screened by either:
    - the erection of a solid screen fence not less than 1.8 metres high; or
    - fenced to a height not less than 1.8 metres high and planted with dense vegetation, with details of plant species and their mature heights and widths provided; and
  - (b) the vehicle crossover to the site from Oliver Street shown at a width of 6m as required by City of Darwin.
2. Prior to endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a schematic plan demonstrating all stormwater to be collected on the site and discharged underground to the local stormwater system, to the requirements of City of Darwin and/ or the Department of Transport as the case may be, 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. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage, 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.
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 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 City of Darwin and/ or Department of Transport as the case may be 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. 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. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
11. Before the use/ 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. Soil erosion and dust control measures must be employed throughout the construction stage of the development 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 and collection of waste disposal bins is to be provided to the requirements of City of Darwin to the satisfaction of the consent authority.
17. Before the use/ occupation of the development starts, the developer shall have carried out, in accordance with AS3671-1989, "Acoustics – Road Traffic Noise Intrusion – Building Siting and Construction" an assessment by a suitably qualified person of the development's present and predicted future exposure to road traffic noise levels, and where required provide appropriate noise attenuation measures to the satisfaction of the Authority. All noise attenuation works deemed necessary shall be carried out by and at the full cost of the developer and shall be wholly contained (including foundations) within the subject lot.
18. All proposed works impacting on Trower Road are to be designed, supervised and certified on completion by a practicing and registered civil engineer, and shall be in accordance with the standards and specifications of the Department of Transport. Drawings must be submitted to the Senior Director, Road Network Division of the Department of Transport for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".
19. Where unfenced, the Trower Road frontage is to be appropriately fenced in accordance with the Department of Transport's standards and requirements to the satisfaction to the consent authority.

#### **NOTES:**

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/ or surrounding infrastructure.
2. Power and Water Corporation advises that WASSEP charges apply for this development, and the developer should contact Services Development for further information.

3. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing Item 1 requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities.
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.
5. Notwithstanding the approved plans, any proposed works (including landscaping) within the road reserves are subject to City of Darwin (CoD) and/ or Department of Transport's (DoT's) approval and shall meet all CoD and/ or DoT's requirements to the satisfaction of, and at no cost to, the General Manager of Infrastructure CoD and/ or DoT as the case may be.
6. A "Permit to Work within a Road Reserve" may be required from the Department of Transport before commencement of any work within the Trower Road road reserve.
7. 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 proposed development is consistent with the 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 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.
3. A variation to clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme for a reduced front setback to Trower Road (primary street) is considered justified as it is compensated for by a corresponding increase in the front setback to Oliver Street (secondary street), to maintain the streetscape amenity of Oliver Street which is a more residential street.

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

**ITEM 2  
PA2013/0034  
APPLICANT**

**2 X 3 BEDROOM MULTIPLE DWELLINGS IN A 2 STOREY BUILDING  
LOT 5909 (17) PASPALLEY PLACE, TOWN OF DARWIN  
MASTERPLAN NT**

Pursuant to section 97(1) Mr David Hibbert a member of the Darwin Division of the Development Consent Authority declared an conflict of interest and was not present during or took part in the deliberation or decision of the Division in relation to Item 2.

Mr Brad Cunnington (Masterplan NT) attended.

Submitters in attendance:- Mr David Hibbert (Chairperson, Baywatch Management Corporation, 16 Marina Boulevard, Cullen Bay) tabled 13 photographs of developments in the area and a list of recommendations to the DCA.

**RESOLVED  
63/13**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 5909 (17) Paspaley Place, Town of Darwin to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

- A site level survey identifying the ground level of the site;
- Demonstration that the proposal is under the 8.5m height limitation as measured from the existing ground level and demonstrated by a site level survey. This could be done by correlating spot levels to the elevation drawings or showing ground level as determined in the site level survey on the elevation and section drawings;
- An increased front building setback for the dwellings that is more consistent with the (now superseded) Cullen Bay Estate setback plan which permitted a 4.5m front building setback;
- Details of the site fencing proposed including details of any required retaining walls;
- Additional landscape treatment/ planting adjacent to the pool area; and
- Demonstration of the view lines from the residential development at Lot 5894 Town of Darwin to the bedroom windows of the subject proposal that face Paspaley Place.

**REASON FOR THE DECISION**

1. Pursuant to section 46(4)(b) of the *Planning Act*, the consent authority may require an applicant to provide it with additional information it considers necessary for the proper consideration of the application. The plans submitted with the application lack adequate information to assess the potential impact of the proposed development on the streetscape and on surrounding land.

**ACTION:** Advice to Applicant

ITEM 3  
PA2013/0055

**3 STOREY SINGLE DWELLING (PLUS ROOFTOP TERRACE) WITH A REDUCED FRONT SETBACK**

APPLICANT

**LOT 5887 (13) CULLEN BAY CRESCENT, TOWN OF DARWIN  
VILLIS ARCHITECTS PTY LTD**

DAS tabled an addendum – amended site plan from the applicant and amended comments from Power and Water Corporation.

Mr Peter Villis attended.

**RESOLVED  
64/13**

That, the Development Consent Authority vary the requirements of Clauses 6.5.3 (Parking Layout), 7.1.2 (Residential Height Limitations) and 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 5887 (13) Cullen Bay Crescent, Town of Darwin for the purpose of a 3 storey single dwelling (plus rooftop terrace) with reduced front and side setbacks, subject to the following conditions:

**CONDITIONS PRECEDENT**

1. Prior to the commencement of works (including site preparation) a full set of amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - (a) Details of the removal or retention of the existing rock formation within the road reserve, to the requirements of City of Darwin;
  - (b) Details of the relocation or otherwise of the existing spoon drain in the road reserve, to the requirements of City of Darwin; and
  - (c) Details of the kerb crossover and driveway, to the requirements of City of Darwin.
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Darwin's stormwater drainage system shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority. The plan shall include details of site levels and Council's stormwater drain connection point/s.
3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to submit an easement encroachment agreement with the Power and Water Corporation regarding the encroachments into the existing sewerage easement within the property, or amended plans demonstrating the removal of all encroaching structures.

**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. 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 owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
7. 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.
8. The owner shall:
  - (a) remove disused vehicle and/ or pedestrian crossovers;
  - (b) provide footpaths/ cycleways;
  - (c) collect stormwater and discharge it to the drainage network; and
  - (d) undertake reinstatement works;all to the technical requirements of and at no cost to the City of Darwin, to the satisfaction of the consent authority.
9. 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. 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. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building.
13. 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.
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. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
16. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into City of Darwin drains or to any watercourse.



## NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. The Power and Water Corporation advises that Water and Sewerage System Extension Policy (WASSEP) charges apply to this development.
3. A "Permit to Work Within a Road Reserve" may be required from the City of Darwin before commencement of any work within the road reserve.
4. City of Darwin advises that designs and specifications for landscaping of the road verge adjacent to the property shall be submitted for approval by the General Manager Infrastructure, City of Darwin, and all approved works shall be constructed at the applicant's expense, to the requirements of the City of Darwin.
5. 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.
6. The Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency's Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

## REASONS FOR THE DECISION

1. The proposed single storey dwelling is consistent with the purpose of Zone SD (Single Dwelling Residential) of the Northern Territory Planning Scheme, being to provide for single dwellings on individual lots.
2. Pursuant to Clause 2.5 (Exercise of Discretion by the Consent Authority), the topography of the site, its slightly irregular shape and relatively small size, and the sewerage easement along the rear boundary are considered to cumulatively represent a special circumstance. The slope, size and dimensions of the lot are such that they constrain the development of a reasonably sized dwelling whilst complying with the minimum setback requirements of the Planning Scheme and avoiding the existing sewerage easement within the property.

3. A variation to the requirements of Clause 6.5.3 (Parking Layout) is supported given the nature of the application, being for a single dwelling. The driveway layout is considered consistent with the purpose of Clause 6.5.3 as it would be of a design and scale appropriate for its purpose and proportionate to the single dwelling use of the land.

The dimensions of the car parking spaces and driveway are sufficient to allow vehicles to enter the site in a forward gear and reverse out, which is acceptable and expected for a single dwelling land use, which typically generate a low number of daily vehicle trips. While not ideal, the location and layout of the driveway and crossover point allows for adequate sightlines to southbound vehicles and pedestrians along Cullen Bay Crescent.

4. A variation to the two storey limit of Clause 7.1.2 (Residential Height Limitations) is acceptable as the proposed dwelling is consistent with the purpose of the clause, being of a similar height and scale as the two neighbouring dwellings and of a design which seeks to avoid instances of undue overlooking.

Due to the topography of the area and the partial excavation of the site for the ground floor, the dwelling would largely present as a two storey building when viewed from the two adjacent properties. When viewed from the street, the proposed dwelling would be of a height, scale and style visually consistent with the two adjacent dwellings and compatible with existing development in the area.

The largely compliant side setbacks, screening of the second floor balcony, screening of the rooftop terrace and highset frosted windows to first floor habitable rooms along the northern side boundary, are all aspects of the proposed design which seek to avoid undue overlooking to and from neighbouring properties.

In regard to subclause 5 of Clause 7.1.2, the size, location, screening and minimalist design of the rooftop terrace would ensure that the terrace does not actively facilitate overlooking of adjoining properties or have an impact on these properties and the streetscape in terms of building massing.

5. In regard to the minimum setback requirements applicable to the proposed garage, gatehouse and northern side wall of the dwelling, variations to Clause 7.3 (Building Setbacks of Residential Buildings) are acceptable as the proposed design is consistent with the purpose of the clause.

The garage would have an articulated facade, is non-habitable and would be mainly below the natural ground level of the site, therefore its 0.6 metre encroachment into the minimum 7.5 metre front setback would not have an adverse impact on the amenity of the of the street in terms of building massing, lead to instances of undue overlooking of adjoining

properties or compromise breeze penetration through and between buildings.

The gatehouse would be an open sided and non-habitable structure located on the front boundary, therefore its encroachment into the minimum front setback would not have an adverse impact on adjacent and nearby properties in terms of breeze penetration or overlooking. Considering the nature of its use and its integration into the front fence of the dwelling, the structure would not appear out of place when viewed from the street or have an adverse impact on the streetscape in terms of building massing.

In regard to the 1.5 metre setback proposed from the dwelling to the northern side boundary, due to the topography of the area and the partial excavation of the site for the ground floor, the dwelling would only present as a two storey building when viewed from the adjacent property to the north, for which a 1.5 metre minimum setback would be compliant in normal circumstances. The proposal is therefore considered to be compatible with the adjacent dwelling and unlikely to have an adverse impact on this property in terms of building massing or breeze penetration. Furthermore, highset frosted windows to habitable rooms are proposed along the northern side of the dwelling, as well as screening of the second floor balcony and the rooftop terrace, in order to avoid instances of undue overlooking to and from the adjacent property.

6. Details of the crossover to the site and the treatment of the existing rock formation and spoon drain at the front of the site are required as the rock, crossover point and part of the driveway are within the City of Darwin's road reserve.
7. A schematic stormwater plan is required as the City of Darwin has advised that it is the sole authority responsible under the *Local Government Act* and associated bylaws for stormwater drainage, and as such has requested details of the collection of stormwater run-off.

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

**ITEM 4  
PA2013/0045**

**20 X 2 AND 2 X 4 BEDROOM MULTIPLE DWELLINGS IN A 4 STOREY BUILDING  
INCLUDING GROUND LEVEL CAR PARKING**

**APPLICANT**

**LOT 2532 (10) DUKE STREET, TOWN OF DARWIN  
ROSSI ARCHITECTS**

Mr Rossi Kourounis and Mr Brodie McDonald (Rossi Architects) and Mr Andrew Milatos (developer) attended. Mr Kourounis tabled photographs of the property across the road.

Submitters who sent their apologies:- Mr Damien Moriarty and Mr Michael Moriarty.

**RESOLVED  
65/13**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 2532 (10) Duke Street, Town of Darwin for the purpose of 20 x 2 and 1 x 4 bedroom multiple dwellings in a 4 storey building including ground level car parking, to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

1. Special circumstance being identified for the varying of clause 7.3.1 (Additional Setback Requirements for Residential Buildings Longer than 18m and for Residential Buildings Over 4 Storeys in Height) of the Northern Territory Planning Scheme; and/ or
2. Any amendments to the proposal that enable compliance against clause 7.3.1 (Additional Setback Requirements for Residential Buildings Longer than 18m and for Residential Buildings Over 4 Storeys in Height).

**REASON FOR THE DECISION**

The request for additional information demonstrating special circumstances for the areas of non-compliance in relation to clause 7.3.1 (Additional Setback Requirements for Residential Buildings Longer than 18m and for Residential Buildings Over 4 Storeys in Height) of the Northern Territory Planning Scheme is necessary as consent can only be given if the consent authority is satisfied that special circumstances justify the giving of consent. Amendments may be required to the proposal for greater compliance to clause 7.3.1 (Additional Setback Requirements for Residential Buildings Longer than 18m and for Residential Buildings Over 4 Storeys in Height) of the Northern Territory Planning Scheme.

**ACTION:** Advice to Applicant

**ITEM 5  
PA2012/0783**

**44 X 2 AND 6 X 3 BEDROOM MULTIPLE DWELLINGS IN 12 X 1 AND 14 X 2  
STOREY BUILDINGS**

**APPLICANT**

**SECTION 5602 (55) BOULTER ROAD, HUNDRED OF BAGOT  
ELTON CONSULTING**

Mr Martin Klopper (Elton Consulting) attended.

**RESOLVED  
66/13**

That, the Development Consent Authority vary the requirements of 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 application to develop Section 5602 (55) Boulter Road, Hundred of Bagot, for the purpose of 44 x 2 and 6 x 3 bedroom multiple dwellings in 12 x 1 and 14 x 2 storey buildings, subject to the following conditions:

**CONDITIONS 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 the local stormwater system, to the requirements of City of Darwin, to the satisfaction of the consent authority.

2. Prior to the endorsement of plans and prior to commencement of works (including site preparation), the applicant is to prepare a Construction Environmental Management Plan (CEMP), to the requirements of the City of Darwin, to the satisfaction of the consent authority. The CEMP is to address how construction will be managed on the site, including (but not necessarily limited to: waste management; traffic management; haulage routes; storm water drainage; use of City of Darwin land; and how the land will be managed during the construction stage, to the satisfaction of the consent authority.
3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a Traffic Impact Assessment to the requirements and approval of the City of Darwin, to the satisfaction of the consent authority.
4. Prior to endorsement of plans and prior to the commencement of works (including site preparation), a Traffic Management Plan (TMP) must be provided to the consent authority addressing, but not necessarily limited to, how the development will manage the free flow of public transport past the site during the construction period, as required by the Public Transport Division of the Department of Transport, to the satisfaction of the consent authority.
5. Prior to endorsement of plans and prior to the commencement of works (including site preparation), a waste management plan addressing the City of Darwin's Waste Management Policy 054 must be prepared to the requirements of the City of Darwin, to the satisfaction of the consent authority.
6. Prior to the commencement of works (including site preparation) a full set of amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to include landscaping plans consistent with the development layout.

#### **GENERAL CONDITIONS**

7. Works carried out under this permit shall be in accordance the plans endorsed as forming part of this permit.
8. Before the use/ occupation of the development starts, the developer/ owner must pay a monetary contribution to the City of Darwin in accordance with its contribution plan to assist in upgrading infrastructure in the area, to the satisfaction of the consent authority.
9. Before the use/ occupation of the development starts, all works identified within the Traffic Impact Assessment and any other works as required by City of Darwin are to be undertaken to the requirements of, and at no cost to, City of Darwin City Council, to the satisfaction of the consent authority.

10. An Occupancy Permit under the Building Act must not be issued, nor occupation of the development commence, until Section 5602, Hundred of Bagot has been subdivided to create:
  - a) a new parcel for the proposed future road reserve, and the parcel reverted to Crown Land under the management of Land Administration Division of the Department of Lands, Planning and the Environment. A right-of-way easement, in favour of the NT Government, over the internal accessway must be created to enable access to the future road reserve parcel for maintenance purposes. Agreements between the NT Government and the owner of the land must be entered into to ensure:
    - right of access through the future road reserve parcel for dwelling 32 to 34; and
    - Maintenance arrangements of the future road reserve parcel.
  - b) a new parcel comprising a narrow strip of land along the entire Boulter Road frontage of the site, and transferred to City of Darwin. A right-of-way easement corresponding the vehicle accessway in favour of the NT Government is to be created over this strip of land. The owner of the land must obtain formal permission from City of Darwin to cross this strip of land.
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 owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage, 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.
13. 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.
14. 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.
15. 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.
16. 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.
  17. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
  18. 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.
  19. 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.
  20. Soil erosion and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
  21. All air-conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed to ground level in a controlled manner to the satisfaction of the consent authority.
  22. 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 the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and the Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the servicing requirements of the Corporation, and the need for upgrading of on-site and/or surrounding infrastructure.
2. Power and Water Corporation advises that:
  - The proposed development has an impact on water pressure flows in the area. Therefore the developer will be required to pay a pro-rata contribution in the order of \$69,300, based on the proportion of pipe flow that the proposed development draws.

- WASSEP charges apply for this development, and the developer should contact Services Development for further information.
3. 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.
  4. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities.
  5. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from the Department of Land Resource Management.
  6. 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.
  8. Any lighting installed as part of the development is to refer and comply with Section 9.21 'Lighting in the Vicinity of Aerodromes' of the CASA Manual of Standards Part 139 available at <http://www.comlaw.gov.au/Series/F2006B00762>
  8. 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 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. Variations to clause 7.3 (Building Setbacks of Residential Buildings) for reduced front and/ or side setbacks for dwellings 1/2, 15/17, 19/21, 25/26, 27/28, 29/30 & 32 are based on:
  - the reduced setbacks enable provision of communal open space;
  - special circumstances being identified through the irregular shape of the land;



- dwellings 1 & 2 have been designed so that the primary private open space area is not orientated towards the street, and that eventually the dwellings will back onto Boulter Road;
  - the other dwelling are only by virtue of being over 18m in length, and all private open space orientated away from the boundary;
  - proposed screening of affected boundaries will limit adverse impact to adjacent land; and
  - there being no structures on adjacent land within close proximity to the subject site.
3. Land for a future road reserve is required to be created to ensure that development is consistent with the intentions of Part 3 of clause 14.1.2 (Berrimah North Planning Principles) of the NT Planning Scheme, which seeks a connected street network.
  4. The requirement for a Traffic Impact Assessment and Traffic Management Plan are to ensure that traffic issues are properly assessed and managed for both the constructions and operational stages of the development.

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

**ITEM 6**  
**PA2009/1494**  
**APPLICANT**

**VARIATION - RELOCATION OF AIR CONDITIONING PLANT**  
**LOT 2291 (6) KNUCKEY STREET, TOWN OF DARWIN**  
**JALOUISE PTY LTD**

Mr Manuel Liveris (Vin Keneally Architects) and Mr Michael Canaris (Jalouise Pty Ltd) attended.

**RESOLVED**  
**67/13**

That, pursuant to Section 57(3) of the *Planning Act*, the Development Consent Authority consent to the application to vary Development Permit DP09/1019 for the purpose of relocating the air conditioning plant to the roof of the building by:

1. Varying condition 3 to reflect the revised plans, being drawings numbered 2009/1494/1C through 2009/1494/11C; and
2. Including an additional condition 21 to ensure that the treatment recommended in the 'environmental noise assessment' is implemented as follows:

The following acoustic treatments specified in the 'Environmental Noise Assessment' prepared by Sonus Pty Ltd, dated March 2012, reference S3884C1, must be implemented:

- (a) Operating the units in the mode listed between the hours of 10pm – 7am:
  - CU-3.1 – Low noise mode level 2.
  - CU-3.2 – Low noise mode level 2.
  - CU-4.1 – Low noise mode level 2.
  - CU-4.2 – Rated.
  - CU-4.3 – Low noise mode.

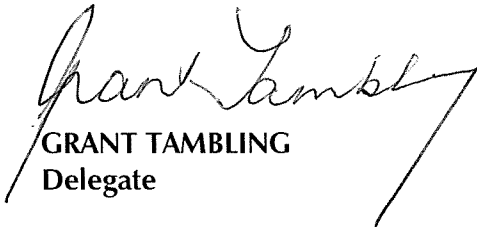
- CU-4.4 – Rated.
  - CU-5.1 – Low noise mode level 2.
  - CU-5.2 – Rated.
  - CU-5.3 – Low noise mode.
  - CU-5.4 – Rated.
  - CU-6.1 – Low noise mode level 2.
  - CU-6.2 – Rated.
  - CU-6.3 – Low noise mode.
  - CU-6.4 – Rated.
- (b) Installation of an attenuator (C2-031) on the discharge of the toilet exhaust fan (unit TEF-4). (c) Noise levels are not to exceed 52 dB(A) between 7am and 10pm (daytime hours) and 45 dB(A) between 10pm and 7am (nighttime hours).

### REASONS FOR THE DECISION

1. The proposed works will not alter the description of the development approved through DP09/1019 in any way, being for a 7 storey building with offices at ground level and levels 3 – 6, carparking at ground floor level and levels 1 – 2, and 3 x 3 bedroom multiple dwellings on level 7, and is in line with the primary purpose of Zone CB, 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 proposed variation does not alter a measurable aspect of the approved development by more than 5% and will not materially affect the amenity of the adjoining or nearby land or premises, as verified through the submitted ‘Environmental Noise Assessment’, prepared by Sonus Pty Ltd, dated March 2012, reference S3884C1.
3. In all other respects the works approved through DP09/1019 and its subsequent variations remain unchanged.

**ACTION:** Variation to Development Permit

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



**GRANT TAMBLING**  
Delegate

25/3/13