



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 194 – FRIDAY 3 AUGUST 2012

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

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

APOLOGIES: David Hibbert

OFFICERS PRESENT: Hanna Stevenson, Steven Conn and Tony Brennan and for part of the meeting Israel Kgosiemang (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 9.45 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ITEM 1 WITHDRAWN

ITEM 2 2 X 2 AND 2 X 1 BEDROOM MULTIPLE DWELLINGS IN TWO SINGLE STOREY
PA2012/0439 BUILDINGS

APPLICANT LOTS 3564 & 3565 (31) & (33) MOIL CRESCENT, TOWN OF NIGHTCLIFF
ROSS TONKIN & ASSOCIATES PTY LTD

Mr Ross Tonkin (Ross Tonkin & Associates), Mr Wayne Wright and Ms Noelene Swanson (Department of Housing, Local Government & Regional Services) attended.

RESOLVED
184/12

That, the Development Consent Authority vary the requirements of Clauses 6.5.1 (Parking Requirements), 6.5.3 (Parking Layout) 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 Lots 3564 & 3565 (31 & 33) Moil Crescent, Town of Nightcliff for the purpose of 2 x 2 and 2 x 1 bedroom multiple dwellings in two single storey buildings, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show a kerb crossover (nominating the width in the road reserve) to the requirements of Darwin City Council.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. Prior to the commencement of works (including site preparation), the applicant is to prepare a schematic plan demonstrating all stormwater can be collected on the site and discharged to Council's stormwater drainage system, to the requirements of City of Darwin and to the satisfaction of the consent authority.
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, gas and telecommunication networks to each lot 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. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council to the satisfaction of the consent authority.
7. The kerb crossovers and driveways to the site approved by this permit shall be to the technical standards of and at no cost to the Darwin City Council, to the satisfaction of the consent authority.
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 Darwin City Council, to the satisfaction of the consent authority.
9. Before the use or occupation of the development starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat; 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.
10. An Occupancy Permit under the *Building Act* must not be issued until Lots 3564 and 3565, Town of Nightcliff have been consolidated and a new title issued for the consolidated lot.
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. 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. 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.

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 Department of Natural Resources, Environment, The Arts and Sport (NRETAS) advises that construction work should be conducted in accordance with the NRETAS Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
3. The Development Consent Authority advises that Lots 3564 & 3565 Town of Nightcliff are in Zone SD38 (Specific Use Darwin – 38) of the Northern Territory Planning Scheme. The purpose of this zone is to facilitate the use and development of the land for single storey multiple dwellings for seniors and/or people with physical ailments or mobility impairments.

REASONS FOR THE DECISION

1. The proposed development is consistent with the primary purpose of Zone SD38 (Specific Uses – Darwin), being to facilitate the use and development of the land for single storey multiple dwellings for seniors and/or people with physical ailments or mobility impairments.
2. A variation to Clause 6.5.1 (Parking Requirements) reducing the car parking spaces from the required eight spaces to six spaces is supported given the zoning of the property. Under the SD38 zoning of the land, the proposed dwellings would be required to be occupied by seniors and/or people with physical ailments or mobility impairments, and it is therefore considered unlikely that these future residents would generate a requirement for more than 1.5 car parking spaces per dwelling.
3. A variation to Clause 6.5.3 (Parking Layout) is supported as the proposal remains functional in respect to how many vehicles will be utilising the site, and does not visually impact on the locality. It is considered that the proposed car parking area is generally in accordance with the purpose of clause 6.5.3 as it is appropriately designed, constructed and maintained for its intended purpose of multiple dwellings for seniors and/or people with physical ailments or mobility impairments.

4. A variation to requirements of Clause 7.3 (Building Setbacks of residential Buildings) is supported as the proposed setback to the corner of Unit 1B is a minor contravention of the requirements of clause 7.3 and represents a small proportion of the overall building area. The variation would be unlikely to have an adverse effect in terms of massing when viewed from the street, and as the proposal is for single storey dwellings it is unlikely to lead to instances of undue overlooking of the adjacent properties or compromise breeze penetration between buildings.

ACTION: Notice of Consent and Development Permit

ITEM 3
PA2012/0444

**DECK ADDITION TO AN EXISTING SINGLE DWELLING WITH A REDUCED
SECONDARY STREET AND SIDE SETBACKS**

APPLICANT

**LOT 7784 (83) RUDDICK CIRCUIT, TOWN OF DARWIN
HEINER STRUCTURAL ENGINEERING CONSULTANTS PTY LTD**

Ms Annette Joseland (Heiner Structural Engineering Consultants Pty Ltd) attended and tabled a photograph showing a brick and wood front fence.

RESOLVED
185/12

That pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 7784 (83) Ruddick Circuit, Town of Darwin for the purpose of deck addition to an existing single dwelling with a reduced secondary street and side setbacks to require the applicant to provide the following additional information that the Authority considers necessary in order to enable proper consideration of the application:

- A detailed plan showing the proposed deck and fence additions. This plan should accurately nominate a height above the existing fence that the fence addition will protrude and details of the proposed finishes and materials (including presentation of the fence addition to Dinah Beach Road to avoid the back of the fence being viewed from Dinah Beach Road).
- Correspondence from Trafalgar Corporate Group Limited that they have no objection to the alteration of the existing fence constructed along Dinah Beach Road.

REASONS FOR THE DECISION

The information requested will allow the authority to adequately assess the impacts of the proposed deck and fence additions and ensure that there will be no impediment to the proposed works being carried out.

ACTION: Advice to Applicant

ITEM 4
PA2012/0431
APPLICANT

**HOME OCCUPATION (SWIM SCHOOL) IN AN EXISTING SINGLE DWELLING
LOT 3073 (15) PICKFORD STREET, TOWN OF NIGHTCLIFF
DIXIES MANAGEMENT**

Mr Tim & Ms Hollie Goodall attended and tabled photographs showing parking on Pickford Street taken during one week.

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Submitters: Ms Maree Hatzimalis, Ms Anna Gotovac and Mr Graeme Munro attended.

**RESOLVED
186/12**

That the Development Consent Authority vary the requirements of clause 7.10.7 (Home Occupation) of the of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 3073 (15) Pickford Street, Town of Nightcliff for the purpose of a home occupation (swim school) in an existing single dwelling, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans and information submitted with the application but modified to show:
 - An amended schedule of swim school classes, limited to operating within the following hours and to include a break (where no classes operate) between each class of no less than 15minutes:
 - Monday: 2pm – 4.30pm.
 - Tuesday: 2.30pm – 5pm.
 - Wednesday: 2.30pm – 4.30pm.
 - Thursday: 9am – 10.30am and 2.30pm – 5pm.
 - Saturday: 8.30am – 11am.
 - A schedule of measures undertaken by the operator to advise swim school clients to access the swim school in an appropriate way (this includes closing car doors quietly, parking considerately, leaving the locality quickly and discouraging littering).

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
4. The use of the site as a swim school must cease 12 months from the date of issue of this permit unless otherwise agreed to by the consent authority.
5. The use of the site may only operate as a swim school between the hours specified on the endorsed plans.
6. The signage on the site is restricted to a total of 0.5m² in area.

7. Attendance at the swim school is restricted to a maximum of four students in any one class, and to one instructor.
8. No sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose in relation to the swimming school use.
9. No goods are to be stored or left exposed outside the buildings so as to be visible from any public street.
10. Any external lighting used in connection with the swimming school must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the consent authority.
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.

NOTES:

1. Notwithstanding the approved plan, all signage and any works and/ or landscaping within Council's road reserve will be subject to approval from the City of Darwin, and be at no cost to the City of Darwin.
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
3. The Department of Health advises that all public swimming pools in the Northern Territory must be registered with the Department of Health, and be fenced, maintained and managed in accordance with the requirements of the *NT Public and Environmental Health Act 2011*, Australian Standard AS 1926 – 1993, and the Department of Health's Public Health Aquatic Facility Guidelines.
4. The Department of Health advises that there must be adequate numbers of ablution facilities and sanitary accommodation, which are accessible for all operations, in accordance with Part F2 (Sanitary and other facilities) of the Building Code of Australia and relevant Northern Territory legislation.

REASONS FOR THE DECISION

1. The proposal to develop the site for the purpose of a home occupation (swim school) in an existing single dwelling is seen as appropriate to the site and its zoning of SD (Single Dwelling Residential), for which clause 5.1 of the Northern Territory Planning Scheme states that "non-residential uses or development should be limited to those which predominantly service the local

neighbourhood and do not have any detrimental effect on residential amenity". It is considered that subject to the conditions of this permit and receipt of amended plans and details that the use will not unreasonably impact on the surrounding residential area.

2. A variation to subclause 2(b) of clause 7.10.7 (Home Occupation) of the Northern Territory Planning Scheme is supported as the restrictions imposed by the conditions of this permit regarding hours of operation and the number of children that may be in any single class of the swim school will appropriately restrict the impact on surrounding residences, and as per subclause 3 of clause 7.10.7 (Home Occupation) the use is considered "appropriate to the site, having regard to the potential impact of the home occupation on the residential amenity of adjoining and nearby property".
3. Restriction of the signage to a total of 0.5m² in area will ensure retention of the residential appearance of the site and minimise intrusiveness of signage relating to the business use, as per clause 7.10.7 (Home Occupation).
4. Amended plans and details are required to adequately ensure that the swim school operates in limited hours and in such a way that the amenity of the locality is not unduly impacted.
5. A 12 month time limit has been included in order to assess the long term impacts of the swim school on the locality.
6. In accordance with the requirements of section 51(e) of the *Planning Act*, consideration has been given to the submissions received. The primary concerns raised including on-street parking and noise, are addressed through the requirement for a 'schedule of measures' to be submitted to the consent authority, informing clients of expected behaviours and giving recognition to the importance of retaining the residential amenity in the area. Further, the limitation of class hours and student numbers, and the introduction of a gap between classes to ensure that the impact of the 'crossover period' is minimised, should result in an appropriate amenity outcome.

ACTION: Notice of Determination

ITEM 5 **WITHDRAWN**

ITEM 6 **24 X 2 BEDROOM MULTIPLE DWELLINGS AND GROUND LEVEL COMMERCIAL**
PA2012/0453 **IN A 3 STOREY BUILDING**
LOT 9716 (5) ROTHDALE ROAD, TOWN OF NIGHTCLIFF
APPLICANT **YELLOWCITY PTY LTD**

Mr Terry Nixon (Yellowcity Pty Ltd) and Mr Theo Koukouvas (owner) attended.

RESOLVED That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent
187/12 Authority defer consideration of the proposal to develop Lot 9716 (5) Rothdale Road,
Town of Nightcliff for the purpose of 24 x 2 bedroom multiple dwellings and ground

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level commercial in a 3 storey building, 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:

- Special circumstance being identified for the varying of clause 7.1.1 (Residential Density Limitations) of the Northern Territory Planning Scheme; and/ or
- Any amendments to the proposal that enable compliance against clause 7.1.1 (Residential Density Limitations) of the Northern Territory Planning Scheme.
- Special circumstance being identified for the varying of clause 7.6 (Communal Open Space) of the Northern Territory Planning Scheme; and/ or
- Any amendments to the proposal that enable compliance against clause 7.6 (Communal Open Space) of the Northern Territory Planning Scheme.
- 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. The report is to be to the approval of the City of Darwin, to the satisfaction of the consent authority.
- Confirmation from the Power and Water Corporation that the siting of the development does not conflict with any easements over Lot 9717, Town of Nightcliff.

REASONS FOR THE DECISION

1. The identification of special circumstances, or a redesign of the proposal to reach a greater level of compliance, in relation to clause 7.1.1 (Residential Density Limitations) is required as it cannot currently be seen how the proposal accords with the purpose of the clause as it is currently incompatible with some of the services in the area and, subject to further assessment, may be inconsistent with land capability.
2. The identification of special circumstances, or a redesign to show a greater level of compliance, with the current non-compliance against clause 7.6 (Communal Open Space) is required as the other recreational spaces in the vicinity are not considered sufficient to compensate for the shortfall, a shortfall that cannot be supported in connection with the development's overdense nature, in connection to clause 7.1.1 and subclause 3(a). Further detail will also be required on the communal open space that is presented to show its useability, as per subclauses 3(d) and 3(e), giving consideration to "the type of activities provided for" and "the projected needs of children for outdoor play".
3. A traffic impact assessment report, in accordance with the Austroads document 'Guide to Traffic Management Part 12: Traffic Impacts of Developments', is required in order to demonstrate that the development can be supported without undue impact on the site and locality. This connects with the

development's non-compliances against the prescriptive controls of the Northern Territory Planning Scheme, and in particular the density proposed, which may be indicative of a development that is not consistent with land capability.

4. Confirmation from the Power and Water Corporation that the siting of the development does not conflict with any easements over Lot 9717, Town of Nightcliff, is required as it has been identified that the development plans encroaches into the clearance area required for the sewerage easement on Lot 9717. The development cannot be approved in its current form, and discussion with the Power and Water Corporation in this regard is required for the development to proceed.

ACTION: Advice to Applicant

ITEM 7
PA2012/0443
APPLICANT

9 X 2 BEDROOM MULTIPLE DWELLINGS IN 1 X 4 STOREY BUILDING
INCLUDING UNDERCROFT CAR PARKING
LOT 4687 (38) GOTHENBURG CRESCENT, TOWN OF DARWIN
RANDAL ASHFORD

DAS tabled an anddeundum – amended floor plan from the applicant.

Mr Randal Ashford and Mr Mathew Tomazos (owner) attended.

Mr Ashford tabled further information.

RESOLVED
188/12

That, the Development Consent Authority vary the requirements of Clause 7.1.1 (Residential Density Limitations) of the NT Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 4687 (38) Gothenburg Crescent, Town of Darwin for the purpose of 9 x 2 bedroom multiple dwellings in a 4 storey building, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the commencement of works (including site preparation), the applicant is to prepare a schematic plan demonstrating all stormwater to be collected on the site and discharged underground to Council's stormwater drainage system, to the requirements of City of Darwin and to the satisfaction of the consent authority.
2. Prior to the commencement of works (including site preparation), the applicant is to prepare a waste management plan in accordance with Council's Waste Management Policy. This plan is to be to the requirements of the City of Darwin, to the satisfaction of the consent authority.

GENERAL CONDITIONS

3. The works carried out under this permit shall be in accordance with drawing numbers endorsed as forming part of this permit.

4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
6. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the City of Darwin, to the satisfaction of the consent authority.
7. The owner shall:
 - a) remove disused vehicle and/ or pedestrian crossovers;
 - b) collect stormwater and discharge it to the drainage network; and
 - c) undertake reinstatement works;all to the technical requirements of and at no cost to the City of Darwin, to the satisfaction of the consent authority.
8. Before the use/occupation of the development starts the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
9. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
10. All air conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner, to the satisfaction of the consent authority.
11. All balconies are to be internally drained and discharge is to be disposed of at ground level and in a manner consistent with stormwater disposal arrangements for the site to the satisfaction of the consent authority.
12. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.

NOTES:

1. This development permit does not grant "building approval" for the proposed structure. The Building Code of Australia requires that certain structures within 900mm of a boundary meet minimum fire resistance level requirements and you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing demolition or construction works.
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and

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

3. The Department of Natural Resources, Environment, The Arts and Sport (NRETAS) advises that construction work should be conducted in accordance with the NRETAS Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

REASONS FOR THE DECISION

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

The proposal to develop the lot for the purpose of 9 x 2 bedroom multiple dwellings in a 4 storey building 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". The development is considered to be of a scale, character and architectural style that is compatible with the streetscape and surrounding developments.

A variation to Clause 7.1 (Residential Density and Height Limitations) is supported as the non-compliance with this clause represents a minor departure from the standard required which, in this case, is considered to result in sufficient demonstration of special circumstances for the variation sought. Furthermore, the level of compliance achieved and exceeded in some cases, is further representation that the land is capable of supporting the proposed development.

2. A schematic stormwater plan is required in order for the development to demonstrate that it is technically feasible to collect stormwater on the site and dispose of it into Council's stormwater drainage system, and to ensure that no stormwater will sheet-flow into the road reserve or onto adjoining properties.
3. Pursuant to section 51(n) of the *Planning Act*, the consent authority must take into account the potential impact on the existing and future amenity of the area in which the land is situated. The application is consistent with the primary purpose of Zone MR (Medium Density Residential) and seeks a variation for what is a minor departure from dwelling density provisions of the Scheme. The level of compliance achieved with the Scheme is a representation that the proposal is appropriate for the site and locality, and is not considered to result in any overwhelming negative impact on the surrounding area. For the above reasons, the proposed

2. Prior to commencement of works (including site preparation), the applicant is to prepare a schematic plan demonstrating all stormwater to be collected on the site and discharged to the requirements of Darwin City Council and 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, sewerage facilities, and electricity to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
6. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Darwin City Council, 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 Darwin City Council to the satisfaction of the consent authority.
8. Before the use or occupation of the development starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat;
 - (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.
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. 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.
11. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
12. 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. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
14. Storage and collection for waste disposal bins is to be provided to the requirements of Darwin City Council to the satisfaction of the consent authority.
15. An Occupancy Permit under the *Building Act* shall not be granted until such time as Lots 1138 and 1318, Hundred of Bagot have been consolidated and a new title issued in respect of that consolidated allotment.

NOTES:

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

REASONS FOR THE DECISION

1. The proposed development is generally consistent with the purpose of Zone LI (Light Industry) where 'offices are expected to primarily provide a service to the general industry in the zone and be of a size commensurate with the service provided', due to the size of the individual tenancies and resulting flexibility of use.
2. A variation to Clause 6.5.1 (Parking Requirements) of the NT Planning Scheme is considered appropriate as the number and quality of on-street

parking within the vicinity and availability of public transport services are sufficient to support the proposed development.

3. A variation to Clauses 6.5.3 (Parking Layout) and 9.1.1 (Industrial Setbacks) is considered appropriate in this instance as the landscaping provided within the road reserve and the distance between Winnellie Road and the boundary of the site is expected to provide sufficient separation to aid in lessening any visual impact caused by vehicle parking located on the development site.

ACTION: Notice of Consent and Development Permit

ITEM 9 **CHANGE OF USE TO LEISURE AND RECREATION (24 HOUR GYMNASIUM)**
PA2012/0274 **(UNIT 23B)**
APPLICANT **LOT 9308 (54) BRADSHAW TERRACE, TOWN OF NIGHTCLIFF**
TOWN PLANNING ALLIANCE

Mr Vu Nguyen (Town Planning Alliance) attended.

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

Interested parties in attendance: - Mr Tony Mioudas (landowner), Mr Toss Barker and Mr Griff Davies.

RESOLVED
190/12

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

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application but modified to show removal the proposed access ramp where located over existing carparking spaces.

GENERAL CONDITIONS

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

4. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities, and electricity to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
6. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.
7. Instructor-led or structured classes are not to take place on the site without the further approval of the Department of Lands and Planning.

NOTES:

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

REASONS FOR THE DECISION

1. The proposal accords with the primary purpose of Zone C (Commercial), being "to provide for a range of business and community uses, with 'leisure and recreation' being a listed consent activity in the zone.
2. An amended floor plan is required to ensure that no ramp or other structure extends into the carparking area of Lot 938, Town of Nightcliff. It is imperative that the development not impact on the number of carparking spaces available over Lot 9308, or the manoeuvrability for cars using the associated carparking area.
3. A reduction in the number of carparking spaces of 15 spaces (from 50.9 to 35.9 for the subject tenancy) is supported through clause 6.5.2 (Reduction in Parking Requirements) of the Northern Territory Planning Scheme due to the following factors:

- The high number of existing parking spaces available on Lot 9308 and nearby commercial lots.
- The current effective surplus that applies over Lot 9308, as determined by data supplied by the applicant, including the undertaking of a parking survey and confirmation of the time restricted nature of the majority of parking spaces on Lot 9308.
- The likelihood of cross utilisation of parking spaces by those working or shopping in the locality.
- The proximity to the Darwin bus interchange on Lot 9577.

ACTION: Notice of Consent and Development Permit

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



PETER MCQUEEN
Chairman

15/8/12