



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 219 – FRIDAY 20 SEPTEMBER 2013

**BROLGA 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), Linda Henning, Sally Cunningham and Anthony Brennan (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 9.45 am and closed at 3.00pm

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 **ADDITION OF RESTAURANTS, LEISURE AND RECREATION FACILITY**
PA2012/1003 **(BOWLING CENTRE) AND AN ADDITIONAL LEVEL TO THE MULTI LEVEL**
****CARPARK, TO AN EXISTING COMMERCIAL DEVELOPMENT****
****LOT 9576 (247) TROWER ROAD, TOWN OF NIGHTCLIFF****
APPLICANT **JUNE D'ROZARIO & ASSOCIATES PTY LTD**

Ms June D'Rozario (June D'Rozario & Associates) attended.

RESOLVED That, the Development Consent Authority determine to reduce the car parking
207/13 requirements pursuant to clause 6.5.2 (Reduction in Parking Requirements) of the NT
 Planning Scheme and vary the requirements of clause 6.5.3 (Parking Layout), 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 9576 (247) Trower
 Road, Town of Nightcliff for the purpose of addition of restaurants, leisure and
 recreation facility (bowling centre) and an additional level to the multi level car park
 to an existing commercial development, 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 an amended Traffic Impact Assessment report prepared in accordance with the Austroads document 'Guide to Traffic Management Part 12: Traffic Impacts of Developments' in the report structure provided at Appendix C of that document, with particular attention to:
 - a further investigation and Traffic Safety Audit in regards to the Dripstone Road access and adjacent road and verge area and considers all modes of transport including vehicles, pedestrians, and cyclistsThe report is to be prepared in consultation with, and to the approval of, both the City of Darwin and the Department of Transport, to the satisfaction of the consent authority.

2. 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 clearly show:
 - the location of 4 minibus ranks and 8 taxi ranks;
 - screening of the upper levels (including the new level) of the multistorey car park from Trower Road in a manner generally consistent and complimentary to screening shown on the submitted plans for lower levels;
 - provision of awnings along the Trower Road frontage that are complimentary to those approved under Development Permit DP13/0124 and DP13/0121 and

- that meet the requirements of the City of Darwin and/or the Department of Transport;
- any changes to the Dripstone Road access and adjacent road and verge area required as a result of the Traffic Safety Audit required in Condition 1 and consistent with the requirements of the City of Darwin and/or Department of Transport; and
 - the complete details of landscaping to be provided on and adjacent to the site including information on the greenwall that will screen the existing cinema wall and any landscaping of the Trower Road frontage to the requirements of the City of Darwin and /or Department of Transport.
3. In the event that the development approved by this permit is preceded by the development approved by DP13/0124 (development application PA2012/0929), then prior to the commencement of works (including site preparation) further 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:
- the changes to the extent of works as a result of that other development; and
 - replacement of all features within the overlap area including (but not limited to) replacement car parking and taxi/minibus ranks to the requirements and satisfaction of the City of Darwin and/or the Department of Transport.

Any plan(s) endorsed under this condition will supersede equivalent drawings endorsed under condition 2 of this permit.

The report is to be prepared in consultation with, and to the approval of, both the City of Darwin and the Department of Transport, to the satisfaction of the consent authority.

4. Prior to the commencement of works (including site preparation), a Construction and Traffic Management Plan (CTMP) must be submitted to and approved by the consent authority. When approved, the CTMP will be endorsed and will then form part of the permit. The CTMP must include, but not necessarily be limited to, the following:
- how the development will manage the free flow of traffic (including public transport) during the construction period, including details of haulage routes as required by the City of Darwin and the Public Transport Division of the Department of Transport;
 - measures to minimise the loss of use of existing car parking spaces during the construction stage (including but not limited to) ensuring that the staging of construction for the works approved by this permit has regard to the option of providing the additional parking within the Monterey House and Woolworths parking areas prior to the temporary closure of parking within the multideck carpark.
5. 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.

6. 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.

GENERAL CONDITIONS

7. Works carried out under this permit shall be in accordance with the plans endorsed as forming part of this permit.
8. All works are to be in accordance with the approved Construction and Traffic Management Plan 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 and the Department of Transport are to be undertaken to the requirements of, and at no cost to, City of Darwin and/ or the Department of Transport as the case may be, to the satisfaction of the consent authority.
10. Before the use/ occupation of the development starts, written confirmation that the car parking spaces associated with the development comply with the from a qualified Traffic Engineer that the car parking spaces and access ways comply with the relevant Australian Standard for car parking must be provided in instances where car parking does not comply with the minimum requirements of clause 6.5.3 (Parking Layout) of the NT Planning Scheme, to the satisfaction of the consent authority.
11. 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.
12. 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.
13. 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.
14. The pedestrian access ways to the site that lead to City of Darwin road reserves are to be designed and constructed to the standards and requirements of the City of Darwin to the satisfaction of the consent authority.
15. 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.
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) 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.
 17. 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.
 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. 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.
 21. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
 22. Storage and collection 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. 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.
4. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the Building Code of Australia, the NT Public Health Act and Regulations, the NT Food Act and National Safety Standards.
5. 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 of Infrastructure, City of Darwin and at no cost to Council.
6. Notwithstanding the approved plans any advertising signage is to be the subject of a separate application to the City of Darwin and/or Department of Transport as the case may be.
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 C (Commercial) which is to provide for a range of business and community uses.
2. A reduction in car parking is in recognition of the traffic and parking reports submitted with the application which indicate that:
 - the proposal is provided with the same car parking rate as that of the existing overall development which is sufficient to meet car parking demand for all but a few occasions per year;
 - further additional car parking would be underutilised for much of the time; and
 - large shopping centres of this type result in greater efficiencies of car parking and that as these types of centres expand, demand for car parking actually decreases;

- car parking for a leisure and recreation use in the context of this application is likely to generate far fewer spaces than that envisaged by the applicable calculations of the NT Planning Scheme.
3. Variations to clause 6.5.3 (Parking Layout) of the NT Planning Scheme are on the basis that the proposed parking area will 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' on the basis that:
 - the car parking space dimensions being designed in accordance with the relevant Australian Standard (to be confirmed by an engineer's statement at completion of the development); and
 - the proposal redesigns and largely obscures the existing open expanse of car parking, and further amendments to the screening will ensure only a small amount of car parking within 3m of the Trower Road frontage is visible.
 4. The inclusion of a requirement to consider the opportunity to construct the Monterey House and Woolworths additional parking prior to the temporary closure of any parking in the multideck carpark will ensure that the development maximises the number of bays that can be provided (and are in fact required in the multi deck car park for the existing Casuarina Shopping Centre development) during the construction of this new component of the overall development.
 5. The requirement for amended plans will ensure:
 - The proposed taxi and mini bus ranks are clearly identifiable from other parking provisions;
 - That car parking is provided in a manner that is suitably screened to enhance the amenity of the adjacent roadway and minimise the visual impact of parking areas when viewed from adjoining residential land and development;
 - The needs of pedestrians are appropriately addressed and integrated into the design of the building's façade having regard to the need for compatibility with other approved developments for the site;
 - That any changes identified as necessary as a result of further investigation and a Traffic Safety Audit will be appropriately integrated into the development and meet the requirements of the relevant authorities;
 - That the proposed landscaping elements of the development are well planned and comprehensive to ensure their maximise impact.

ACTION: Notice of Consent and Development Permit

ITEM 2
PA2013/0584
APPLICANT

4 X 3 BEDROOM MULTIPLE DWELLINGS IN 3 X 2 STOREY BUILDINGS
LOT 1117 (11) GARDENS HILL CRESCENT, TOWN OF DARWIN
LES PLATT

DAS tabled further information from the applicant

Mr Les Platt and Ms Melanie Tan (Les Platt Consultants) attended.

Submitter Mr Philip Parker attended.

RESOLVED
208/13

That, the Development Consent Authority vary the requirements of Clause 7.1 (Residential Density Limitations) and 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 pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 1117 (11) Gardens Hill Crescent, Town of Darwin for the purpose of a 4 x 3 bedroom multiple dwellings in 3 x 2 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 include:
 - (a) confirmed details of the type and extent of boundary fencing for the development; and
 - (b) the location of the 1m x 1m electricity easement on the site required by the Power and Water Corporation.
2. 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.
3. Prior to commencement of works, a Construction Environmental Management Plan (CEMP) for the management and operation of the construction phase of the development must be prepared to the requirements of the City of Darwin, to the satisfaction of the consent authority. The CEMP must address:
 - (a) waste management;
 - (b) traffic control;
 - (c) haulage routes;
 - (d) storm water drainage;
 - (e) use of City of Darwin land; and
 - (f) how this land will be managed during the construction phase.'

GENERAL CONDITIONS

4. The works carried out under this permit shall be in accordance with drawing numbers endorsed as forming part of this permit.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
6. 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.
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) 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.
9. Before the use or occupation of the development starts, the area(s) 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. The car parking shown on the endorsed plan(s) must be available at all times for the exclusive use of the occupants of the development and their guests.
11. Before the use/occupation of the development starts the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
13. All air conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring

properties and condensate disposed of to ground level in a controlled manner, to the satisfaction of the consent authority.

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. 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) 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 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.
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.

REASONS FOR THE DECISION

1. The proposal to construct 4 x 3 bedroom multiple dwellings in 3 x 2 storey buildings 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. The predominant land uses in this section of Gardens Hill Crescent consist of mostly two storey multiple dwelling developments. The scale, character and architectural style of this development is considered to be consistent with that of surrounding properties and the streetscape and future development reasonably anticipated on other sites yet to be developed.
2. A variation to Clause 7.1 (Residential Density Limitations) to allow a dwelling density of one dwelling per 287.5m² rather than the required 300m² is considered appropriate in this instances as:
 - The proposal achieves compliance with most relevant clauses of the Planning Scheme including provision of sufficient vehicle parking, private yard space, site landscaping and most building setback requirements. Compliance with these requirements suggests that the site is serviced appropriately and that future residents will not be inconvenienced by

- inadequate car parking and yard areas that cannot cater for functions normally associated with domestic uses.
 - Development of the site with just three dwellings may represent the underutilisation of serviced and developable land given the slight margin of non-compliance. The application has demonstrated that the land can accommodate four dwellings without significant non-compliances with the Planning Scheme and without impacting on the amenity of the neighbourhood.
3. A variation to Clause 7.3.1 (Additional Setback Requirements for Residential Buildings longer than 18m and for Residential Buildings over 4 storeys in height) to allow two verandahs to be located 2.5m from the rear boundary instead of the 3m required is considered appropriate as:
 - The inclusion of the balcony/verandah to each unit provides a sheltered outdoor living area and also provides the visual interest required to break up the bulk of the building when viewed from the rear. The majority of the building is setback 5m instead of the 3m required which helps to minimise any potential impact on the rear boundary caused by the slight setback reduction of the verandahs. The bulk of the building would be much more prominent if the verandah and balcony were deleted and their impact on lessening the bulk of the building would likely be minimised if the structures were trimmed back to a compliant setback;
 - the design is assessed as being consistent with the purpose of the clause and the reduced setback is considered appropriate without significantly compromising the amenity of adjoining properties.
 3. A schematic stormwater plan and waste management plan are required in order for the development to demonstrate that it is technically feasible to collect stormwater and manage rubbish on the site and dispose of it to Council's standards.

ACTION: Notice of Consent and Development Permit

ITEM 3 **10 X 2 BEDROOM MULTIPLE DWELLINGS IN ONE 3 STOREY BUILDING PLUS**
PA2013/0605 **BASEMENT CARPARKING**
APPLICANT **LOT 3795 (31) MARGARET STREET, TOWN OF DARWIN**
GEORGE SAVVAS

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

Submitter Mr Nigel Sharp sent his apologies.

RESOLVED That the Development Consent Authority determine to vary the requirements of
209/13 clauses 6.5.3 (Parking Layout), 7.1.1 (Residential Density Limitations) and 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 pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 3795 (31) Margaret Street, Town of Darwin for the purpose of 10 x 2 bedroom multiple dwellings with an additional living room (not convertible to a third

bedroom in a three storey building plus basement car parking, 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) improved site lines for both crossovers on Margaret Street; and
 - (b) landscaping of the road verges,in consultation with the City of Darwin to the satisfaction of the Development Consent Authority
2. Prior to the commencement of works (including site preparation), the applicant is to prepare a schematic plan demonstrating all stormwater can be collected on the site and discharged to Council's stormwater drainage system, to the requirements of City of Darwin and to the satisfaction of the consent authority.

GENERAL CONDITIONS

3. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
4. Prior to occupation of the premises, a monetary contribution, in accordance with Part 6 of the Planning Act and the City of Darwin's Stormwater Drainage Infrastructure Contribution Plan CP2013/03 – Stuart Park Policy Area C, must be paid to the City of Darwin.
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, sewerage facilities and electricity and telecommunication networks to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
7. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the Council, to the satisfaction of the consent authority.
8. 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.

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, the City of Darwin, and 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; 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.
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. 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.
13. 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.
14. 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.
15. 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.
16. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.
17. Soil erosion 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 current local infrastructure cannot sustain the necessary fire fighting flows for the development and as a result the developer will be required to contribute towards the upgrade of the local water reticulation infrastructure. The applicant/ developer should contact Power and Water Corporation's Services Development Technical officers prior to the commencement of works to discuss water supply and contribution requirements.
 - The development has an impact on the sewer catchments in the area, and that accordingly, the developer will be required to pay a contribution towards the Gothenburg Crescent upgrades.
 - 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.
 - 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.
2. The developer is to contact Telstra prior to any work commencing to facilitate the installation of the Telstra network via <http://www.telstrasmartcommunity.com/>, is to register the development with NBN Co at <http://www.nbnco.com.au/getting-connected/new-developments.html>, and is to contact 'Dial Before You Dig' on 1100 to obtain a location of the Telstra network, and arrange for any removal or relocation if required.
3. The 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. 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, of a 10 x 2 bedroom multiple dwellings with an additional living room (not convertible to a third bedroom) in a three storey building plus basement car parking, 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 above ground level", and that the development is considered to be of a "scale, character and architectural style [that is] compatible with the streetscape and surrounding development".

2. Amended plans are required to address safety concerns in relation to crossover site lines when cars egress the site.
3. Amended plans in relation to landscaping are required to ensure the development does not detract from the natural amenity of the area and contributes to the existing lush landscaping already in the area. Landscaping of the verges needs to be in consultation with the City of Darwin to the satisfaction of the Development Consent Authority to ensure visibility is not impacted on.
4. 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.
5. A contribution, in accordance with the City of Darwin's *Stormwater Drainage Infrastructure Contribution Plan CP2013/03 – Stuart Park Policy Area C*, must be paid to the City of Darwin to ensure that the necessary upgrades required to stormwater infrastructure resulting from the intensification of use over the site, are met through this development.
6. A variation to the requirements given by subclause 3(i) of clause 6.5.3 (Parking Layout) is supported as this crossover allows the development to present such a surplus in carparking numbers, with 5 bays to be accessed via the southernmost, non-compliant, crossover. The narrower crossover was specifically requested by the City of Darwin, is seen to result in an improved streetscape outcome, and, in the context of this development, shall still meet the purpose of clause 6.5.3, to provide carparking areas that are "Appropriately designed, constructed and maintained for their intended purpose" of providing for the safe, convenient and functional parking of cars within a development site.
7. A variation to the requirements of clause 7.1.1 (Residential Density Limitations) of the NT Planning Scheme for an increased density is supported as the purpose of this clause is to ensure that residential development is of a density that is compatible with the existing and planned provision of reticulated services and community facilities that will service the area, noting that none of the authorities raised any specific issues of concern with regard to servicing of the development, thereby indicating that the existing services in the area can ably support the development. The development is compliant with all the controls given in the Planning Scheme, excepting the additional setback controls of clause 7.3.1, even presenting a relatively generous surplus to the carparking requirements of 7 bays. Furthermore, the development gives consideration to clause 4.2(a)(iii) of the Northern Territory Planning Scheme, which seeks to provide for the "orderly and appropriate expansion of development in the [Darwin] region that maximises existing development options, including urban infill".

8. A variation to the additional setback provisions 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 is supported as the design meets the purpose of this clause, "To minimise any adverse effects of building massing and visual bulk, when viewed from adjoining land and the street", as apparent through its attention to the corner aspect, the variety presented to the eastern facade, and the consistency between the development's rear facade and the eastern/ side facade of the building on the neighbouring allotment to the west.
9. The development meets the controls of clause 7.4 (Building Setbacks and Fencing of Multiple Dwellings and Supporting Accommodation in Zone MR), limiting its height to three storeys and providing a landscaped buffer to the adjoining land in zone SD (Single Dwelling Residential), as per the purpose of this clause, which is to "Minimise the visual and acoustic impact of multiple dwellings and supporting accommodation on land in zone MR where that land is adjacent to land in zone SD". 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 development is seen to give consideration to the perceived traffic and parking concerns and to ably accommodate the development.
10. In accordance with the requirements of section 51(m) of the *Planning Act*, consideration has been given to all comments received from service authorities. Appropriate responses to the matters raised, as reflected by the conditions and notes given on the development permit, will ensure an appropriate level of service is maintained for the site and surrounding locality.

ACTION: Notice of Determination

ITEM 4 **VARIATION TO DP13/0325 TO ALTER THE DWELLING TYPES AND LAYOUT FOR**
PA2013/0218 **THE PREVIOUSLY APPROVED DEVELOPMENT**
SECTION 5874 (69) BOULTER ROAD, HUNDRED OF BAGOT
APPLICANT **MASTERPLAN**

DAS tabled recommended amended conditions and the site plan from the previous approval.

Mr Brad Cunnington (Masterplan), Mr Michael Van Itallie (Civil Resource & Infrastructure Manager AGD) and Mr Simon Tonkin attended and tabled an amended "Roadwork's & Drainage Level Spreader Layout and Sections" a"Road Works and Stormwater Drainage Layout Plan", and correspondence fro Halikos dated 15.9.13.

Mr Graeme Finch (Director, Economic Development Division, Department of Lands, Planning and the Environment) attended.

**RESOLVED
210/13**

That, pursuant to section 57(3)(b) of the *Planning Act*, the Development Consent Authority consent to the application to vary DP13/0325 for the purpose of altering the types and layout of the dwellings approved through the original permit, as applied to Section 5874 (69) Boulter Road, Hundred of Bagot, for the purpose of developing 82 x 3 bedroom multiple dwellings in two stages, 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 provide engineered stormwater drainage plans demonstrating that the development will not result in an increased level of impact to surrounding allotments as a result of stormwater (both upstream and downstream). The design for the stormwater infrastructure is to account for 2, and 100 year ARI events in saturated earth conditions. It shall be demonstrated that there will be no change to predevelopment peak flows (through stormwater retention or otherwise) or concentration of flows. It shall also be demonstrated that there are no adverse impacts (ie ponding, erosion etc) due to increased total volume of water directed downstream post-development. The stormwater plans shall achieve the above outcomes and be developed by a suitably qualified professional, to the satisfaction of the consent authority (on advice from the Department of Lands, Planning and the Environment). The design of the stormwater drainage infrastructure shall be developed following documented consultation with the Department of Health's Medical Entomology division to ensure the potential for semi-aquatic vegetation growth and subsequent creation of habitat for mosquito breeding is minimised.
2. Prior to the endorsement of plans and 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, to the satisfaction of the consent authority.
3. Prior to the commencement of use, a Biting Insect Management Plan (BIMP), for the operation of the use, is to be submitted and approved by the consent authority, on the advice of the Department of Health's Medical Entomology division. When approved, the plan will be endorsed and will then form part of this permit. All works relating to this permit are to be undertaken in accordance with the endorsed plan, to the satisfaction of the consent authority. The BIMP is to ensure that the stormwater drainage infrastructure at the rear of the site is managed appropriately to minimise the potential for semi-aquatic vegetation growth and subsequent creation of habitat for mosquito breeding.
4. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare an Environmental Construction Management Plan (ECMP), to the requirements of the City of Darwin, to the satisfaction of the consent authority. The ECMP is to address how construction will be managed on the site, including (but not necessarily limited to) waste management, haulage routes, stormwater drainage, use of City of Darwin land, and how the land will be managed during the construction state, to the satisfaction of the consent authority.

5. 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. The report is to be to the approval of the City of Darwin, to the satisfaction of the consent authority.
6. Prior to the commencement of works an Erosion and Sediment Control Plan (ESCP), including details and location of stormwater drains, is to be submitted to and approved by the consent authority on the advice of the Department of Land Resource Management, and an endorsed copy of the Plan will form part of this permit. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the satisfaction of the consent authority.

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 the City of Darwin, are to be undertaken to the requirements of, and at no cost to, the City of Darwin, to the satisfaction of the consent authority.
10. The developer shall employ a qualified civil engineer to certify the performance of the drainage infrastructure in accordance with detailed engineering design and the design intent following a period of 12 months following the completion of the drainage works and then a further 12 months after issuance of an occupancy permit for all stages of the development, to the satisfaction of the consent authority (on advice from the Department of Lands, Planning and the Environment). If not confirmed to be performing properly, rectification works shall be undertaken by the developer to ensure proper performance of the infrastructure at no cost to the Department of Lands, Planning and the Environment. All stormwater drainage infrastructure associated with discharge of drainage to the rear of the site (as well as the roads and the centrally located park) shall be constructed as part of stage 1 of the development.
11. Stormwater drainage discharging to the rear of the site shall be collected and discharged in accordance with the approved stormwater drainage design plans, on the advice of a suitably qualified professional to be reviewed by the Department of Lands, Planning and the Environment, to the satisfaction of the consent authority.

12. Stormwater drainage not discharging to the rear of the site is to be collected and discharged to Council's road reserve shall be to the technical standards of, and at no cost to, the Council, to the satisfaction of the consent authority.
13. The landowner, developer or body corporate, shall be responsible for the repair and ongoing repair and maintenance of all stormwater infrastructure not within the City of Darwin's road reserve, and this arrangement shall be reflected in any future Scheme Statement under the *Unit Titles Schemes Act*. Until such time as the subject site is subdivided under the Unit Titles Schemes Act, the developer or landowner bears all responsibility for the ongoing repair and maintenance of this infrastructure.
14. The future Scheme Statement, under the *Unit Titles Schemes Act* (or other mechanism suitable to the consent authority), shall be developed to reflect that the land containing the stormwater infrastructure at the rear of the site shall be made available to the Northern Territory Government, or the City of Darwin, as the case may be, to form part of an integrated stormwater network servicing the broader area, once this infrastructure is developed.
15. All procedures given in the Biting Insect Management Plan shall be followed by the proponent for the life of the development.
16. Prior to commencement of use, 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 and to the satisfaction of the consent authority.
17. 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.
18. 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.
19. 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.
20. 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.

21. 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.
22. The carparking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their visitors.
23. 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.
24. 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.
25. 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.
26. Soil erosion and dust control measures must be employed throughout the construction stage of the development, to the satisfaction of the consent authority.
27. 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.
28. 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 City of Darwin advises that, notwithstanding the approved plans, any proposed awnings, footpaths and landscaping works within Council's road reserve are subject to approval from the City of Darwin, and shall be undertaken at no cost to Council.
2. The Power and Water Corporation advises that:
 - The proposed development has an impact on water pressure flows in the area, and the developer will, therefore, be required to pay a pro rata contribution in the area of \$113,642, based on the proportion of pipe flow that the proposed development draws.

- 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.
 - 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. 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.
 4. The developer is to contact Telstra via the following website prior to any work commencing to facilitate the installation of the Telstra network: <http://www.telstrasmartcommunity.com/>, and is to register the development with NBN Co at <http://www.nbnco.com.au/getting-connected/new-developments.html>.
 5. Telstra advises that the developer is required to contact "Dial Before You Dig" on 1100 to obtain a location of the Telstra network, and arrange for any removal or relocation if required.
 6. Any lighting installed as part of the development is to consider section 9.21 'Lighting in the Vicinity of Aerodromes' of the CASA Manual of Standards Part 139, available at: <http://www.commlaw.g/Details/F2012C00280>.
 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 variation does not alter the number of dwellings approved through DP13/0325, and the amended layout has no implications with regard to an assessment made under the *NT Planning Act* or NT Planning Scheme.
2. The internal roadway, as originally required by the Berrimah North area plan, is no longer deemed necessary by the Department of Lands, Planning and the Environment. The new layout is still taken to comply with clause 14.1.2 (Berrimah North Planning Principles) of the NT Planning Scheme.

3. All stormwater and other management procedures have been considered through notification of this application and inclusion of appropriate conditions.
4. As permitted by section 57(3)(b) of the *Planning Act*, "The alteration resulting from the proposed variation is not conveniently measurable and the proposed variation will not materially affect the amenity of adjoining or nearby land or premises".

ACTION: Variation to Development Permit

ITEM 5
PA2013/0632
APPLICANT

CHANGE IN USE FROM OFFICE TO MEDICAL CLINIC (UNIT 2)
LOT 9483 (21) VANDERLIN DRIVE, TOWN OF NIGHTCLIFF
NTMS PROPERTY HOLDING PTY LTD

DAS tabled an addendum in relation to a submission.

Mr Brad Cunnington (Masterplan), Eddie Tse, Dr Guru, Mr Brett McManus and Mr Bob Elix (ISIS Group Australia) attended.

RESOLVED
211/13

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 9483 (21) Vanderlin Drive, Town of Nightcliff for the purpose of a change of use from office to medical clinic (tenancy 2), subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works, a landscape plan in consultation with to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and two copies must be provided. The proposed landscaping must be in line with the original approved landscaping plan for the site.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, 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. Before the use/occupation of the development starts the landscaping works shown on the endorsed plan must be carried out and completed to the satisfaction of the consent authority.
6. 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.
7. That the gate in the fence on Allwright Street be removed and that no pedestrian access be allowed from or to the site via Allwright Street.
8. No more than three staff doctors shall be operating from the site at any one time (Note: This does not include pathologists and reception staff, but does include gastroenterologists, sleep and respiratory specialists, dermatologists, oncologists, general physicians and dieticians).
9. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.
10. The use and development, as shown on the endorsed plans and outlined on the related development permit, must not be altered without the further consent 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.
 - 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.
2. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to the City of Darwin.
3. 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 CP (Community Purposes), being to "Provide for community services and facilities, whether publicly or privately owned or operated, including facilities for civic and government administration", noting that the use, for a medical clinic, is in the general public interest and is not considered to result in undue impacts on the surrounding locality.

2. A reduction to the requirements of clause 6.5.1 (Parking Requirements) of the Northern Territory Planning Scheme is supported under clause 6.5.2 (Reduction in Parking Requirements) as it is considered that there is sufficient ability for the locality to accommodate the parking required by the development, noting the ability to endorse a reduced parking demand through:
 - Reference to the particulars of the use of the land, which is for a specialised medical clinic, unlikely to see large influxes in patients, as given by subclause 2(a) of clause 6.5.2.
 - The considerable parking within vicinity of the site, with particular attention being given to the historical agreement between the tenants of Lot 9483 and the Potters Church, which has a large carpark, within walking distance of the subject tenancy, which is clearly underutilised during the week, as referenced by subclause 2(b) of clause 6.5.2.
 - The proximity of a public transport bus stop to the site, as referenced by subclause 2(c) of clause 6.5.2.
3. Provision of landscaping and the maintenance thereof is seen as being a necessity in order to create an area providing some amenity to the community.
4. Pursuant to 51(n) of the *Planning Act*, the Development Consent Authority must, in considering a development application take into account the potential impact on the existing and future amenity of the area in which the land is situated. The development is not seen to result in undue amenity impacts to the surrounding area, and is supported accordingly.

ACTION: Notice of Determination

**ITEM 6
PA2013/0590
APPLICANT**

**CHANGE IN USE FROM SHOP TO MEDICAL CLINIC (UNIT 3)
LOT 9288 (283) TROWER ROAD, TOWN OF NIGHTCLIFF
DR SANTHOSH LINGA**

Dr Santhosh Linga, Dr Ben Dayaratne (Business Partner) and Ms Katrina Shoobridge (Planner, Flanagan Consulting Group) attended.

Submitter in attendance:- Mr Tony Miaoudis (Property Manager, The Village Shopping Centre, Casuarina) who tabled two photographs of the site.

**RESOLVED
212/13**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 9288 (283) Trower Road, Town of Nightcliff for the purpose of a change of use from shop to medical clinic (tenancy 3), to require the applicant to provide the following information that the Authority considered necessary in order to enable the proper consideration of the application:

- Submission of documentation indicating that the 16 parking bays allocated to the medical clinic (tenancy 3) are not incumbent by any of the other tenancies.
- Submission of a landscaping plan indicating landscaping to a standard similar to the landscaping required and approved with the initial approval of the development.
- Submission of a plan indicating line markings to assist in the flow of traffic on site. Line marking is to clearly show all parking bays and entry/ exit procedures.

**RESOLVED
213/13**

That pursuant to section 86 of the *Planning Act*, the Development Consent Authority delegate to the Chairman the power under section 53 of the Act to determine the application to develop Lot 9288 (283) Trower Road, Town of Nightcliff for the purpose of a change of use from shop to medical clinic (tenancy 3), subject to:

- Submission of documentation indicating that the 16 parking bays allocated to the medical clinic (tenancy 3) are not incumbent by any of the other tenancies.
- Submission of a landscaping plan indicating landscaping to a standard similar to the landscaping required and approved with the initial approval of the development.
- Submission of a plan indicating line markings to assist in the flow of traffic on site. Line marking is to clearly show all parking bays and entry/ exit procedures.

REASONS FOR THE DECISION

1. Confirmation that 16 carparking bays have been allocated to the tenancy subject of this application is required in order to show that the development will be able to satisfy the parking controls given in the NT Planning Scheme, giving consideration to section 51(a) of the *Planning Act*.
2. Provision of landscaping, and the maintenance thereof, is seen as being a necessity in order to provide a reasonable amenity outcome to the community, as sought through section 51(n) of the *Planning Act*.
3. Clear line marking is required in response to concerns that the site had existing traffic issues, which are not to be exacerbated by the proposed medical clinic, and in response to section 51(j) of the *Planning Act*, which requires developments to give consideration to the capability of the subject land.

ACTION: Advice to Applicant

ITEM 7
PA2013/0588

**INSTALLATION OF 3 LIGHT POLES (12M) ON THE FIRST HOLE OF AN
EXISTING GOLF COURSE
LOT 5944 (1) CHIN QUAN ROAD, TOWN OF DARWIN
PERRY PARK PTY LTD**

APPLICANT

Pursuant to section 97 of the *Planning Act*, Mr Garry Lambert and Ms Robin Knox members of the Darwin Division of the Development Consent Authority declared an interest and were not present and did not take part in the deliberation of this item.

Mr Rogder Dee (Perry Park Pty Ltd), Mr Kevin Blacker (Accountant and Financial Adviser) and Mr Joe Wright (Electrician, Lumitex LED Lighting) attended.

Submitters who sent their apology:- Ms Nen Nen Chin, Mr Kingsley Lennon, Mr Troy Culgan and Mr Harry Maschke.

Submitters in attendance:- Ms Janine Culgan (Chairman, Body Corporate 3 Warrego Court), Ms Patsy Hickey and Mr Denis Keating (Aspect Apartments Committee), Mr Daniel Leather (Chairman, Body Corporate 2 Warrego Court), Ms Suzanne Burnett and Mr Leslie McCrimmon.

Ms Patsy Hickey showed members taken approximately 26 July U Tube showing trial of lights on the golf course and tabled:-
part of the Gardens Precinct Master Plan;
advice from Council refusing to release a report into dealings between Council and then alderman Rodger Dee – October 28 2009;
a copy of the lease between Council and Mr Dee registered January 2009;
copy of a NT News article 26 December 2011 on Night Golf Plans for 30 Floodlights at the Gardens; and
three photos of the lights taken from units across the road.

Submitter Ms Janine Culgan tabled two photos of the light taken from her unit in Warrego Court.

**RESOLVED
214/13**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 5944 (1) Chin Quan Road, Town of Darwin for the purpose of installation of 3 light poles (12m) on the first hole of an existing golf course to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

1. A trial period should be conducted for a period of no less than 7 days with a view to determining any adverse impacts on the surrounding residents. The trial should simulate the proposed development including:
 - 3 temporary lighting structures located and to the specifications as proposed in the application
 - Operating hours of 7:00pm an 10:00pm with live golf played
2. The Development Consent Authority and all submitters for the application should be notified in writing as well as a letter box drop of surrounding residents at least 7 days prior to the commencement of the trial period.

3. Following the trial period, a 'Light Spill Report' should be prepared by a suitably qualified person documenting the trial period and a conclusion drawn as to the light spill impact on the surrounding residents.
4. A copy of the 'Light Spill Report' and any other relevant findings from the trial period should be circulated to all submitters prior to the application being reconsidered by the Consent Authority.

REASONS FOR THE DECISION

1. The request for additional information is necessary for the Consent Authority to enable a proper consideration of the potential impact on the existing and future amenity of the area in which the land is situated.

ACTION: Advice to Applicant

**ITEM 8
PA2013/0617**

CHANGE OF USE FROM SHOP TO LEISURE AND RECREATION (GROUND FLOOR TENANCY)

APPLICANT

**LOT 1517 (3) SEARCY STREET, TOWN OF DARWIN
ELTON CONSULTING**

Mr Martin Klopper (Elton Consulting) attended.

Submitter in attendance:- Mr Dale Chesson (Property Officer & Trustee) and Mr John McLaren (United Church in Australia, Northern Synod).

**RESOLVED
215/13**

That, the Development Consent Authority reduce the car parking requirement for the site by 9 parking bays pursuant to Clause 6.5.2 (Reduction in Parking Requirements) and vary the requirements of clause 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application to develop Lot 1517 (3) Searcy Street, Town of Darwin for the purpose of a change of use from shop to leisure and recreation (ground floor tenancy), 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 submit a parking management plan, with a view to ensuring the efficient use of the existing on-site car parking. The parking management plan should include the following elements:
 - Information provided to existing and new members that parking exists on-site, and that parking illegally at the CBD Plaza site (Woolworths car park) is not condoned and may result in a fine from Council parking inspectors.
 - Improved signage signalling the entrance to the car park and advising that iFitness parking is available at the rear of the site.
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be

provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

- (a) The proposed stairwell shown the first floor plan, and
- (b) The car parking bays to be numbered with the 9th bay to be correctly drawn in the north east corner of the site.

GENERAL CONDITIONS

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

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 reduction in the provision of on-site car parking is considered acceptable as the proposed 'leisure and recreation' use does not increase the car parking required over the existing (shop) use, and it is not

conveniently possible to provide any additional parking. There are a number of public parking spaces and public car parks in the vicinity, and the site is well served by public transport.

3. A variation to the requirements of clause 6.5.3 (Parking Layout) is acceptable as the car parking layout is an existing situation and it is not conveniently possible to rectify the situation.

ACTION: Notice of Consent and Development Permit

ITEM 9 **TWO STOREY SINGLE DWELLING EXCEEDING 8.5M IN HEIGHT**
PA2013/0594 **LOT 1609 (26) CARRINGTON STREET, TOWN OF NIGHTCLIFF**
APPLICANT **LLOYD PUMPA AND JULIE FRASER**

Mr Lloyd Pumpa sent his apologies.

Ms Julie Fraser attended.

RESOLVED That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent
216/13 Authority defer consideration of the application to develop Lot 1609 (26) Carrington Street, Town of Nightcliff for the purpose of a two storey single dwelling exceeding 8.5m in height, 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:

- Demonstration of greater adherence to the requirements of Clause 7.1.2 (Residential Height Limitations) and Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme.

REASON FOR DECISION

1. The request for additional information/revision to the design is considered necessary to enable the proper consideration of the potential impact that the proposal may have on the existing and future amenity of the area in which the land is situated.

ACTION: Advice to Applicant

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



PETER MCQUEEN
Chairman

2/10/13

