



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 155 – FRIDAY 8 OCTOBER 2010

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

MEMBERS PRESENT: Peter McQueen (Chairman), David Hibbert, Bob Elix and Garry Lambert

APOLOGIES: Grant Tambling and Heather Sjoberg

OFFICERS PRESENT: Margaret Macintyre (Secretary), Doug Lesh and for part of the meeting Gemma Eaton, Deborah Buise, Hanna Stevenson and Israel Kgosiemang (Development Assessment Services)

COUNCIL REPRESENTATIVE: Cindy Robson (Strategic Town Planner) and Rick Burgess (Planner)

Meeting opened at 9.45 am and closed at 12 noon

THE MINUTES RECORD OF THE EVIDENTIARY STAGE AND THE DELIBERATIVE STAGE ARE RECORDED SEPARATELY. THESE MINUTES RECORD THE DELIBERATIVE STAGE. THE TWO STAGES ARE GENERALLY HELD AT DIFFERENT TIMES DURING THE MEETING AND INVITEES ARE PRESENT FOR THE EVIDENTIARY STAGE ONLY.

ITEM 1 **ADDITION OF 6 X 2 STOREY ANCILLARY HOSTEL ACCOMMODATION**
PA2010/1011 **BUILDINGS TO AN EXISTING EDUCATION ESTABLISHMENT IN TWO STAGES**
 LOT 9198 (7) ELLENGOWAN DRIVE, TOWN OF NIGHTCLIFF
APPLICANT **MKEA ARCHITECTS PTY LTD**

Mr Steven Ehrlich and Mr Tony Hogan (MKEA Architects) attended.

RESOLVED That, the Development Consent Authority vary the requirements of Clause 6.5.1
270/10 (Parking Requirements) of the NT Planning Scheme and pursuant to section 53(b) of
 the *Planning Act*, alter the application and consent to the proposal as altered to
 develop Lot 9198 (7) Ellengowan Drive, Town of Nightcliff for the purpose of the
 addition of 6 x 2 storey ancillary hostel accommodation buildings to an existing
 education establishment in two stages subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans or commencement of works (including site preparation) a landscape plan to the satisfaction of the consent authority must be submitted to and approved by the consent authority. The landscape plan must show adequate landscaping to ensure there is no adverse impact on the residential amenity of nearby properties from overlooking or loss of privacy, and to soften the visual impact of the development as seen from the north, to the satisfaction of 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 plan must show:
2. A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant; and
 - Provision of an in ground irrigation system to all landscaped areas.
 - All species selected must be to the satisfaction of the consent authority.
3. Prior to the endorsement of plans or commencement of works (including site preparation) amended plans must be submitted to and approved by the consent authority showing solid fencing along that portion of the northern boundary abutting the proposed car parking area, to the satisfaction of the consent authority. 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.
4. Prior to the endorsement of plans or commencement of works (including site preparation) amended plans must be submitted to and approved by the consent authority showing all buildings setback an increased distance from the northern property boundary. While setback distances may vary, no building shall be setback closer than 6 metres from the northern boundary. 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.

GENERAL CONDITIONS

5. Works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
6. The development must proceed in the order of stages as shown on the endorsed plan unless otherwise agreed in writing by the consent authority.
7. 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 services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
8. 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.
9. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to Darwin City Council, to the satisfaction of the consent authority.
10. Before the use or occupation of the development starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) Constructed;
 - (b) Properly formed to such levels that they can be used in accordance with the plans;
 - (c) Surfaced with an all-weather-seal coat;
 - (d) Drained, and
 - (e) Line marked to indicate each car space and all access lanes; to the satisfaction of the consent authority.
11. The carparking, access aisle and driveway shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their visitors.
12. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
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. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council 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.

NOTE:

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

REASONS FOR THE DECISION

1. The proposal for an addition of 6 x 2 storey ancillary hostel accommodation buildings to an existing education establishment in two stages is consistent with the requirements of Zone CP (Community Purposes) of the Northern Territory Planning Scheme which is to 'provide for community services and facilities, whether publicly or privately owned or operated, including facilities for civic and government administration'.
2. The proposal is consistent with the existing use of the site and is unlikely to negatively affect the amenity of adjoining properties as it will be sited amongst existing infrastructure on the site. It is noted that accommodation facilities are presently successfully used within Charles Darwin University site.
3. A variation to the on-site provision of parking spaces required under clause 6.5.1 (Parking Requirements) of the Northern Territory Planning Scheme is supported, as due to the hostel being proposed for the purpose of accommodating students it is highly unlikely that each of the residents will own a vehicle, due to students often preferring to utilise alternative modes of transport such as cycling and/ or public transport. As well as this, it is noted that following the construction of stage two of the proposed development a shortfall of only one car parking bay will exist which is unlikely to negatively impact upon the site.
4. Amended plans showing solid fencing along that portion of the northern boundary abutting the proposed car parking area are required in order to protect the amenity of neighbouring properties.
5. A landscape plan is necessary in order to ensure there is adequate landscaping to reduce the visual impact of the development on neighbouring properties.

6. Amended plans showing all buildings setback a minimum of 6 metres from the northern property boundary are required in order to ensure there is no adverse impact on the amenity of neighbouring properties due to noise or overlooking.

ACTION: Notice of Consent and Development permit

ITEM 2
PA2010/1068

**ADDITION OF 6 X 2, 2 X 2 AND 2 X 1 BEDROOM ANCILLARY STAFF
ACCOMMODATION DWELLINGS IN 3 X 2 AND 3 X 1 STOREY BUILDINGS TO
AN EXISTING EDUCATION ESTABLISHMENT IN 2 STAGES
SECTION 6057 (1) COLLEGE ROAD, HUNDRED OF BAGOT
MKEA ARCHITECTS PTY LTD**

APPLICANT

Mr Steven Ehrlich and Mr Tony Hogan (MKEA Architects) attended.

RESOLVED
271/10

That, the Development Consent Authority vary the requirements of Clause 7.5 (Private Open Space) of the Northern Territory Planning Scheme, and pursuant to Section 53(a) of the *Planning Act*, consent to the application to develop Lot 6057 (1) College Road, Hundred of Bagot for the purpose of addition of 6 x 2, 2 x 2 and 2 x 1 bedroom ancillary staff accommodation dwellings in 3 x 2 and 3 x 1 storey buildings to an existing education establishment in 2 stages subject to the following conditions:

GENERAL CONDITIONS

1. Works carried out under this permit shall be in accordance with drawing numbers 2010/1068/1 to 2010/1068/10 endorsed as forming part of this permit.
2. The development must proceed in the order of stages as shown on the endorsed plan unless otherwise agreed in writing by the consent authority.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity, gas and telecommunication services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
5. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to Darwin City Council, to the satisfaction of the consent authority.

6. Before the use or occupation of the development starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) Constructed;
 - (b) Properly formed to such levels that they can be used in accordance with the plans;
 - (c) Surfaced with an all-weather-seal coat;
 - (d) Drained, and
 - (e) Line marked to indicate each car space and all access lanes; to the satisfaction of the consent authority.
7. The carparking, access aisle and driveway shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their visitors.
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. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
11. 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.
12. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council to the satisfaction of the consent authority.

NOTE:

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

REASONS FOR THE DECISION

1. The proposal for an addition of 6 x 2, 2 x 2 and 2 x 1 bedroom ancillary staff accommodation dwellings in 3 x 2 and 3 x 1 storey buildings to an existing education establishment in 2 stages is consistent with the requirements of Zone CP (Community Purposes) of the Northern Territory Planning Scheme which is to 'provide for community services and facilities, whether publicly or privately owned or operated, including facilities for civic and government administration'.
2. The proposal is consistent with the existing use of the site and is unlikely to negatively affect the amenity of adjoining properties as it will be sited amongst existing infrastructure on the site. It is noted that accommodation facilities are presently successfully used within Kormilda College site.
3. A variation to the requirements clause 7.5 (Private Open Space) of the NT Planning Scheme is supported, as it was advised by the applicant that the absence of landscaping in this instance is consistent with the school philosophy to promote passive surveillance of the school grounds from buildings.

ACTION: Notice of Consent and Development Permit

ITEM 3
PA2010/1141

**10 X 2 BEDROOM MULTIPLE DWELLINGS IN 1 X 4 STOREY
BUILDING INCLUDING GROUND LEVEL CARPARKING.
LOT 6103 (14) SERGISON CRESCENT, TOWN OF NIGHTCLIFF
ANDREW MILATOS**

APPLICANT

Mr Andrew Milatos and Mr Steven Koukouvos attended.

RESOLVED
272/10

That the Development Consent Authority vary the requirements of clause 7.6 (Communal Open Space), and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 6103 (14) Sergison Circuit, Town of Nightcliff for the purpose of 10 x 2 bedroom multiple dwellings in 1 x 4 storey building including ground level parking subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the commencement of works (including site preparation) a schematic plan demonstrating all stormwater to be collected on the site and discharged to the Darwin City Council's stormwater drainage system must be provided to Darwin City Council, to the satisfaction of the consent authority. The plan shall provide details of site levels and drainage connection point/s and how stormwater will be collected on the site and connected underground and confirm the feasibility to collect stormwater on the site and dispose of it into Council's stormwater drainage system.

2. Prior to the commencement of works (including site preparation) an amended landscape plan to the satisfaction of the consent authority must be submitted to and approved by the consent authority. The landscape plan must show 2 additional trees to be planted within the abutting Darwin City Council road verge meeting Darwin City Council's requirements, to the satisfaction of 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 plan must show the botanical names of the trees, common names, pot sizes, and sizes at maturity.

GENERAL CONDITIONS

3. Works carried out under this permit shall be in accordance with the drawings 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 services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority, to the satisfaction of the consent authority.
6. The kerb crossings and driveways to the site approved by this permit are to meet the technical standards of Darwin City Council, to the satisfaction of the consent authority.
7. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossings;
 - (b) provide footpaths/ cycleways;
 - (c) collect stormwater and discharge it to the drainage network; and
 - (e) undertake reinstatement works;All to the technical requirements of and at no cost to the Darwin City Council, to the satisfaction of the consent authority.
8. Before the use or occupation of the development starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat;
 - (d) drained to the satisfaction of the consent authority;Car spaces and driveways must be kept available for these purposes at all times.
9. Before the use/occupation of the development starts, the landscaping shown on the endorsed plans, including the landscaping provided within the Darwin City Council road reserve (meeting Darwin City Council requirements), must be carried out and completed at no cost to Darwin City Council, to the satisfaction of the consent authority.

10. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
11. No fence, hedge, tree or other obstruction exceeding a height of 0.6 m 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. 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. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council 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. Telstra advise that prior to the commencement of works the developer is to contact Telstra via its web site <http://www.telstrasmartcommunity.com> to facilitate the installation of the Telstra Network.
3. Darwin City Council advise that any easements or reserves required for the purposes of stormwater drainage, roads, access or for any other purpose shall be made available free of cost to the Darwin City Council or neighbouring property owners.

REASONS FOR THE DECISION

1. The proposal is general consistent with the primary purpose of Zone HR which "is to provide for high density housing option close to major roads, schools and other community facilities".
2. A variation to Clause 7.6 (Communal Open Space) is supported as the applicant has provided 2 areas of communal open space that are in excess of the 6m width requirement. The design and size of these 2 areas is considered suitable for the purposes of communal open space as it provides suitable space for a wide range of activities. Furthermore, a communal barbeque area and a communal seating area have been provided. Both these areas have been place partly undercover so that the residence can utilise these facilities all year round.

3. A landscape plan showing 2 additional trees to be planted within the abutting Darwin City Council road verge is required in order to soften the visual impact of the development on the streetscape.

ACTION: Notice of Determination

ITEM 4
PA2010/1063

ANCILLARY SUPPORTING ACCOMMODATION COMPRISING 58 X 2 BEDROOM UNITS, MANAGER'S RESIDENCE AND OFFICES IN 11 SINGLE STOREY BUILDINGS

APPLICANT

**LOT 9731 (105) ROCKLANDS DRIVE, TOWN OF NIGHTCLIFF
DEPARTMENT OF CONSTRUCTION AND INFRASTRUCTURE**

Mr Stephen Jackson (Construction Division DCI) and Mr Mark Spangler (Byrne Design) attended and tabled a concept schematic drainage plan and an aerial photograph of the site was tabled.

RESOLVED
273/10

That the Development Consent Authority vary the requirements of Clause 7.5 (Private Open Space) of the Northern Territory Planning Scheme, and pursuant to Section 53(a) of the *Planning Act*, consent to the application to develop Lot 9731 (105) Rocklands Drive, Town of Nightcliff, for the purpose of supporting accommodation, consisting of 58 x 2 bedroom units, and an ancillary manager's residence and offices in 11 single storey buildings, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation) a schematic plan is to be provided, demonstrating that all stormwater can be collected on the site and discharged underground to Council's stormwater drainage system, to the requirements of Darwin City Council/ or Department of Lands & Planning as the case may be, to the satisfaction of the consent authority. This plan is to include details of site levels and Council's stormwater drain connection points within the vicinity of the site.
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation) written confirmation shall be provided to the Development Consent Authority from the Department of Health and Families confirming the appropriateness of the proposed location of the proposed waste bin storage facilities (noting the distance of the facilities from the indigenous mothers supporting accommodation component of the development), and relocation of the facilities if determined necessary by the Department of Health and Families.
3. or to the commencement of works (including site preparation) an erosion and sediment control plan is to be submitted to and approved by the consent authority on the advice of the Department of Natural Resources, Environment and the Arts (Natural Resources Management Division), and an endorsed copy of the Plan will form part of this permit. The plan should detail, but not be limited to, the overall stormwater infrastructure and design, the connectivity to drains shown in the landscape plans, and outfalls, methods and treatments for

minimising erosion and subsequent sediment loss from the site both during the construction and operational phases.

GENERAL CONDITIONS

4. Works carried out under this permit shall be in accordance the plans endorsed as forming part of this permit.
5. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
6. 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.
7. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council and to the satisfaction of the consent authority.
8. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage and electricity services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
9. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycle ways;
 - (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.
10. Before the use or occupation of the development starts, the area set aside for the parking of vehicles, and for the purposes of loading bays, 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;to the satisfaction of the consent authority.
11. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

NOTES:

1. The Department of Health and Families advises that all buildings should have appropriate mosquito screening.

2. The Department of Health and Families advises that excess fill from the site may be used in the adjacent Casuarina Coastal Reserve to rectify existing mosquito breeding sites, subject to approval from Parks and Wildlife. The developer/ applicant should contact the Department of Health and Families to further discuss the potential disposal of excess fill.

REASONS FOR THE DECISION

1. The development is consistent with the primary purpose of Zone CP (Community Purposes) of the Northern Territory Planning Scheme, which is to "provide for community services and facilities, whether publicly or privately owned or operated, including facilities for civic and government administration".
2. Written confirmation from the Department of Health and Families confirming the appropriateness of the proposed location of the proposed waste bin storage facilities is required in order to ensure that the facilities are appropriately located on the site.
3. As given in Clause 5.21 of the Northern Territory Planning Scheme, the design incorporates landscaping that enhances the visual appearance of the development, and as the nature of the use is connected to the main hospital use on the site and is of a benefit to the community, it satisfies a primary intent of the zone, being that, "the development of residential accommodation is to only be in association with and ancillary to the primary use of the land".
4. A variation to Clause 7.5 (Private Open Space) of the Northern Territory Planning Scheme is supported as:
 - The high quality communal open space areas and landscaping, both of which well exceed the respective requirements of clauses 7.6 (Communal Open Space) and 7.7 (Landscaping for Multiple Dwellings, Hostels and Supporting Accommodation) justify the variation sought to clause 7.5 (Private Open Space); and
 - The proposal is for a supporting accommodation use, and not a standard multiple dwelling development, and accordingly the requirements listed under Clause 7.5 are not considered as applicable to such a use whereby the occupants are expected to reside for no more than 12 weeks and there is an emphasis on care in a semi-communal setting.

ACTION: Notice of Determination

ITEM 5 **SHORE UP THE EARTH WALLS OF AN EXISTING EXCAVATION SITE AND**
PA2010/1059 **CONSTRUCT THE WALLS AND FLOORS OF 4 LEVELS OF BASEMENT FOR**
 FUTURE BUILDINGS
APPLICANT **LOT 7587 (68) MITCHELL STREET, TOWN OF DARWIN**
 JUNE D'ROZARIO & ASSOCIATES PTY LTD

DAS tabled comment from Darwin City Council dated 30 September 2010.

Ms June D'Rozario (June D'Rozario & Associates), Mr Jason Lee and Katrina Hadrill attended.

RESOLVED That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent
274/10 Authority defer consideration of the above application to develop Lot 7587 (68)
 Mitchell Street, Town of Darwin for the purpose to shore up the earth walls of an
 existing excavation site and construct the walls and floors of 4 levels of basement for
 future buildings in order for the applicant to provide additional information that is
 considered necessary for proper consideration of the application as follows:

- Written advice from Darwin City Council that the proposed access and egress is in a suitable location for the envisaged future development of the site;
- Written advice from the Power and Water Corporation that sewerage connections and easement requirements for the site and adjoining site (Lot 2187 Town of Darwin) have been resolved; and
- A schematic plan demonstrating all stormwater to be collected on the site and discharged to Darwin City Council's stormwater drainage system meeting Darwin City Council requirements to the satisfaction of the consent authority.

ACTION: Advice to Applicant

ITEM 6 **32 X 3 BEDROOM MULTIPLE DWELLINGS IN A 9 STOREY BUILDING PLUS**
PA2010/1036 **1 LEVEL OF BASEMENT CAR PARKING**
APPLICANT **LOT 1656 (1) DAY STREET, TOWN OF DARWIN**
 STEVEN HUNTINGFORD

DAS tabled 2934-SK18 which shows two coloured perspectives of the proposed building.

Mr Colin Browne (Jackman Gooden Architects) attended on behalf of the applicant.

RESOLVED That, the Development Consent Authority vary the requirements of Clause 6.3.3
275/10 (Urban Design Requirements in Central Darwin) of the Northern Territory Planning
 Scheme and pursuant to section 53(a) of the *Planning Act*, consent to the application
 to develop Lot 1656 (1) Day Street, Town of Darwin for the purpose of 32 x 3
 bedroom multiple dwellings in a 9 storey building plus 1 level of basement car
 parking subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and the commencement of works (including site preparation) a schematic plan demonstrating all stormwater to be collected on the site and discharged to Council's and/or the Department of Lands and Planning's stormwater drainage system must be provided meeting Darwin City Council and/or the Department of Lands and Planning's requirements to the satisfaction of the consent authority. The plan shall provide details of site levels and drainage connection point/s and how stormwater will be collected on the site and connected underground and confirm the feasibility to collect stormwater on the site and dispose of it into Council's and/or the Department of Lands and Planning's stormwater drainage system.
2. Prior to the endorsement of plans a landscape plan to the satisfaction of the consent authority must be submitted to and approved by the consent authority which demonstrates that the car parking bays at ground level will not be visible from the street. 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 plan must show:
 - A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - Landscaping and planting within all open areas of the site; and
 - Provision of an in ground irrigation system to all landscaped areas.All species selected must be to the satisfaction of the consent authority.
3. Prior to the endorsement of plans and the commencement of works, written approval must be sought from the Department of Lands and Planning for the awning on the east side boundary to encroach into the adjacent property to the satisfaction of the consent authority.

GENERAL CONDITIONS

4. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
5. Prior to the commencement of the use, a 'Traffic Impact Assessment' is to be undertaken to identify the impact of the development on the McMinn Street and Day Street intersections. The report is to include analysis of the road safety and operational capacity of the intersection, and is to consider other currently proposed and approved developments adjacent to Day Street, Harvey Street and McMinn Street Service Road. The Traffic Impact Assessment is to be to Road Networks standards and to the satisfaction of the consent authority.
5. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.

6. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity and telecommunication services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
7. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways;
 - (c) collect stormwater and discharge it to the drainage network; and
 - (d) undertake reinstatement works;
all to the technical requirements of and at no cost to the Darwin City Council, to the satisfaction of the consent authority.
8. Before the use 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. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
11. Before the use 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 pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the consent authority.

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. All substation, fire booster, and water meter arrangements are to be appropriately screened, to soften the visual impact of such infrastructure on the streetscape, to ensure that the infrastructure is sympathetic to and blends in with the design of the building. Details will need to be resolved in consultation with the Power and Water Corporation and Fire and Emergency Services and, as the case may be, to the satisfaction of the consent authority.
17. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council to the satisfaction of the consent authority.
18. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
19. Pursuant to Part 6 - Developer Contributions of the *NT Planning Act*, a monetary contribution shall be paid to Darwin City Council in accordance with Council's Developer Contribution Plans for Stormwater Drainage.

NOTES:

1. The Power and Water Corporation advise 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. A "Permit to Work within a Road Reserve" may be required from the Department of Lands and Planning before commencement of any work within the road reserve.

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 and retail, and other business activities with a commitment to the separation of incompatible activities".
2. A variation to clause 6.3.2 is supported as the impact of this protrusion on "view corridors to Darwin harbour and the penetration of daylight and breeze penetration", as per the purpose of Clause 6.3.2, is considered to be negligible on surrounding premises as only a small variation of 0.225m is being sought.

3. A variation to Clause 6.3.3 is supported as it is considered that the proposed development substantially complies with the purpose of the clause which is to promote exemplary urban design. It is considered that a 66% active streetscape for this site is appropriate it enables the proposed development to comply with Clause 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme by providing a driveway with a minimum width of 6m for two-way entry. It also enables the development to comply with Power and Waters requirements for an indoor substation.

In regards to absence of an awning extending the full length of the sites frontages a variation is supported as the proposed development is on the peripheral boundary of the Darwin CBD and therefore, has low levels of pedestrian movement.

A variation to allow ground level car parking is supported as the 22 car parking bays will not be visible as a result of the design of the front of the buildings which includes 4.4m deep landscaping at ground level and landscaping cascading from planter boxes which are located on the front façade of the building at various levels. Furthermore, in order to guarantee that the landscaping is sufficient to screen the car parking area from view of the street Condition Precedent 2 has been included.

Furthermore, the development responds positively to clause 6.3.3 by provided glass balustrades, planter boxes on the facade of the building at various levels and usable open space that provides for a wide range of recreational activities.

4. A landscape plan which demonstrates that the car parking bays at ground level will not be visible from the street is necessary to ensure that the ground level car park does not impact on the visual amenity of the streetscape.

5. The requirement for a 'Traffic Impact Assessment' of the McMinn Street and Day Street intersections is necessary in order to inform Road Network Division of any impacts that the development might have if both the McMinn Street Service Road and Harvey Street at Barneson Street ingress and egresses are terminated as a result of future road works by Road Network Division.

ACTION: Notice of Consent and Development Permit

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



PETER MCQUEEN
Chairman

14/10/10