



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 181 – FRIDAY 2 DECEMBER 2011

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

MEMBERS PRESENT: Peter McQueen (Chairman), Grant Tambling, David Hibbert
Bob Elix and Heather Sjoberg

APOLOGIES: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), Douglas Lesh, Hanna Stevenson and for
part of the meeting Peter Sdraulig and Israel Kgosiemang (Development
Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 9.45 am and closed at 1.30pm

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 **11 X 2 BEDROOM MULTIPLE DWELLINGS IN A 4 STOREY BUILDING WITH**
PA2011/0660 **BASEMENT CARPARKING**
LOT 4687 (38) GOTHENBURG CRESCENT, TOWN OF DARWIN
APPLICANT **RANDAL ASHFORD**

DAS tabled an addendum:- a further submission from Drosso Lelekis (submitter), and two emails from Power and Water Corporation.

Mr Randal Ashford (RAD Designs) and Mr Matthew Tomazos (Developer) attended.

Mr Ashford tabled correspondence from Warwick Bryant (FYFE Earth Partners) Licensed Surveyor and a perspective of the current proposal and a revised proposal.

Submitter Mr Colin Freeman attended.

RESOLVED
282/11

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 4687 (38) Gothenburg Crescent, Town of Darwin for the purpose of 11 x 2 bedroom multiple dwellings in a 4 storey building with basement car parking, to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

- details of the water meter location, screening and/or relocation of the fire booster to minimise the appearance, waste collection, letter boxes, screening and/or relocation of the substation to minimise the appearance and vehicle sight lines all to the satisfaction of the agency responsible for such services or standards;
- Confirmation of the locations of air conditioning condensers and/ or screening measures to avoid thermal and noise impacts on adjoining units; and
- amended drawings to remove the built structures from encroaching on the sewerage easement that affects the parcel or written approval from Power and Water Corporation for the encroachment.

REASONS FOR THE DECISION

1. The details requested in regards to services locations and standards will ensure that any decision to allow a development with a variation to Clause 7.1.1 (Residential Density Limitations) will be providing adequate space for services and meet required standards of development.
2. Confirmation of the locations of air conditioning condensers and/ or screening measures is required to ensure thermal and noise impacts associated with the operation of the air conditioners are avoided.

3. The amended plans or approval from Power and Water Corporation in relation to the encroachment of the sewerage easement is required to ensure the proposal does not affect existing sewerage infrastructure and that the development as proposed can be undertaken.

ACTION: Advice to Applicant

ITEM 2 **12 X 2 BEDROOM MULTIPLE DWELLINGS IN A 4 STOREY BUILDING PLUS**
PA2011/0272 **BASEMENT CAR PARKING**
APPLICANT **LOT 2017 (6) QUEEN STREET, TOWN OF DARWIN**
GEORGE MAMOUZELLOS

Mr George Mamouzellos attended.

RESOLVED
283/11

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 2017 (6) Queen Street, Town of Darwin for the purpose of 12 x 2 bedroom multiple dwellings in a 4 storey building plus basement carparking to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

- a) confirmation from a Traffic Engineer that the vehicle access ramps achieves compliance with minimum standards of Australian Standard AS/NZS 2890.1:2004 - Parking Facilities - Off Street Car Parking, to ensure vehicle access is convenient and functional.
- b) Amended plans which show:-
- doorways providing access to the lobby, recreational room, the gym and outdoor areas;
 - access from each balcony to the air conditioning alcoves;
 - pedestrian access to the street;
 - locations of any necessary substation, fire booster and water meter arrangements, resolved in consultation with the Power and Water Corporation and NT Fire and Rescue Service;
 - details in regards to the fencing of all boundaries and the treatment of the podium level. Landscaping will need to be provided to the podium level to ensure that overlooking to the neighbouring properties does not occur. Furthermore, confirmation will be required from Council confirming that a 1.8m – 2m high fence will not impact on site-lines.

- c) A landscaping plan which includes:-
- a survey (including botanical names) of all existing vegetation to be retained and/or removed;
 - 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
 - details of surface finishes of pathways and driveways.

REASONS FOR THE DECISION

1. Confirmation from a Traffic Engineer that the ramp meets Australian Standards is necessary to ensure compliance with clause 6.5.3 (Parking Layout) and the safety of residents when entering and exiting the car park.
2. Additional plan details (including a landscaping plan) is required to ensure that the proposal is adequately and accurately demonstrated. This will enable the Development Consent Authority to fully assess the proposal and associated impacts.

ACTION: Advice to Applicant

ITEM 3
PA2011/0676

**DEPENDANT UNIT ADDITION TO AN EXISTING SINGLE DWELLING WITH A
REDUCED FRONT SETBACK**

APPLICANT

**LOT 377 (3) FERNTREE STREET, TOWN OF NIGHTCLIFF
JONATHAN MOGRIDGE**

Mr Jonathon Mogridge attended.

RESOLVED
284/11

That the Development Consent Authority determine to vary the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) and Clause 7.10.4 (Dependent Units) of the Northern Territory Planning Scheme, and pursuant to Section 53(a) of the *Planning Act*, consent to the application to develop Lot 377 (3) Ferntree Street, Town of Nightcliff for the purpose of a dependant unit addition to an existing single dwelling with a reduced front setback subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with drawings PA2011/0676/1 through to 2011/0676/4 endorsed as forming part of this permit.
2. Before the occupation of the development commences, a landscape plan 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 plan must show:
 - a) landscaping and planting within the area between the proposed dependent unit and the front setback;
 - b) 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;
 - c) 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 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 Darwin City Council and to the satisfaction of the consent authority.
4. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
6. All air conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on the neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
7. Before the occupation of the development commences the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
8. 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.
9. The dependant unit is to be used only for the purpose of providing accommodation for a dependant of a resident of the existing single dwelling.

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. This development permit does not grant "building approval" for the proposed structure. The Building Code of Australia requires that certain structures within 900mm of a boundary meets minimum fire resistance level requirements and you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing demolition or construction works.
3. The applicant is encouraged to seek approval from Darwin City Council to provide landscaping within the Avena Street road reserve.

REASONS FOR THE DECISION

1. The development is in accordance with the purpose of the SD (Single Dwelling Residential) zone which is to "provide for single dwellings on individual lots".
2. A variation to Clause 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme is supported due to the identified special circumstances (being site constraints) and the proposals ability to uphold the purpose of the clause primarily due to the softening effect of the design treatments associated with the dependent unit enables it to integrated into the residential context of the neighbourhood well and it is considered to be compatible with the streetscape and surrounding development.
3. A variation to Clause 7.10.4 (Dependent Units) of the Northern Territory Planning Scheme is supported due to the very minor deviation from the prescriptive requirements of the clause, and compliance when assessing the net floor area of the dependent unit rather the floor area.

ACTION:

Notice of Consent and Development Permit

ITEM 4
PA2011/0330

**SHED ADDITION TO AN EXISTING SINGLE DWELLING WITH A REDUCED SIDE
SETBACK**

APPLICANT

**LOT 1159 (11) SANDERLING STREET, TOWN OF SANDERSON
JB INDUSTRIES (NT) PTY LTD**

DAS tabled an addendum:- a letter from the submitter in relation to a compromise between the parties.

Mr Christopher Thompson (owner) attended.

**RESOLVED
285/11**

That the Development Consent Authority vary the requirements of Clause 6.11 (Garages and Sheds) of the Northern Territory Planning Scheme, and pursuant to Section 53(b) of the *Planning Act*, alter the proposed development and consent to the proposed development as altered to develop Lot 1159 (11) Sanderling Street, Town of Sanderson for the purpose of a shed addition to an existing single dwelling with a reduced side setback subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions 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) A maximum height of the shed of 2.75m;
 - b) Gently slanting roof form; and
 - c) Landscaping between the shed and the property boundary with suitable species to screen and soften the sheds appearance from the neighbouring property.
2. 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 to Council's stormwater drainage, to the requirements of Darwin City Council.

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. 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. Before the occupation of the development starts, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
7. 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.

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. This development permit does not grant "building approval" for the proposed structure. The Building Code of Australia requires that certain structures within 900mm of a boundary meets minimum fire resistance level requirements and you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing demolition or construction works.

REASONS FOR DECISION

1. The reduced side setback has been determined to be generally compliant with the purpose of Clause 6.11 (Garages and Sheds). The setback requested is 0.6m short of the requirement. Due to the degree of non-compliance the proposal is not considered to detract from the amenity of the neighbouring land. Of additional relevance is the fact that if the wall was setback to 1.5m a roof eave could protrude into this setback by 0.9m to be located 0.6m from the boundary. In contrast, this proposal for the wall to a height of 3.1m to be located 0.9m from the boundary is considered to have less of an impact. Furthermore considering the form of this development in context of the site, with boundary fencing and vegetation, the views of the wall will be broken up.
2. The requirement for landscaping and amended plans has been imposed to reduce the visual bulk and to soften and screen the proposed shed and put into effect the compromise reached between the applicant and the neighbour (submitter on the application).

ACTION: Notice of Determination

ITEM 5
PA2011/0754

12 X 2 BEDROOM AND 20 X 3 BEDROOM MULTIPLE DWELLINGS IN A 8
STOREY BUILDING INCLUDING GROUND LEVEL CARPARKING
LOT 2427 (2) PACKARD PLACE, TOWN OF DARWIN
APPLICANT MINEGAIN PTY LTD & A & K (NT) PTY LTD

DAS tabled and addendum:- a workzone traffic management plan for the construction phase.

Mr Savvas Savvas (Savvas P Savvas Architect) and Mr John & Mrs Sarah Alexopoulos (owners) attended.

RESOLVED
286/11

That, the Development Consent Authority vary clauses 6.5.3 (Parking Layout) and 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lots 2427 and 2428 (2 & 3) Packard Place, Town of Darwin for the purpose of 12 x 2 and 20 x 3 bedroom multiple dwellings in a 8 storey building including ground level car parking, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and the commencement of works (including site preparation) a Traffic Study (which includes vehicles, pedestrian and cyclists) of the Packard Place and Smith Street intersection must be submitted which demonstrates to the requirements of Darwin City Council that the intersection is capable of supporting the increased traffic that the proposed development will generate, to the satisfaction of the consent authority.
2. Prior to the commencement of works (including site preparation), a 'Comprehensive Traffic Management Plan' shall be prepared to the satisfaction of the Department of Lands and Planning's Public Transport Division that addresses the ongoing provision of public transport services during construction, to the satisfaction of the consent authority
3. Prior to the endorsement of plans and the commencement of works (including site preparation) a Waste Management Plan demonstrating waste storage, disposal and removal is be provided to the requirements of Darwin City Council, to the satisfaction of the consent authority.
4. Prior to the endorsement of plans and the commencement of works (including site preparation) written approval is required from the Power and Water Corporation to permit the building over the existing sewer easement.
5. Prior to the endorsement of plans, an additional landscaping plan is to be developed in consultation with Darwin City Council which provides landscaping and treatments in the Packard Place and Mitchell Street road reserves to restricts unauthorised vehicle parking within the road reserve.

GENERAL CONDITIONS

6. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
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 and telecommunications 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. Storm water 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. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Darwin City Council, to the satisfaction of the consent authority.
11. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways;
 - (c) collect stormwater and discharge it to the drainage network; and
 - (d) undertake reinstatement works;
all to the technical requirements of and at no cost to Darwin City Council to the satisfaction of the consent authority.
12. 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.
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
13. 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.
14. 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.

15. 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.
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 to the satisfaction of the consent authority in consultation with the Power and Water Corporation, and Fire and Emergency Services.
17. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
18. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
19. 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.
20. 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.
21. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council to the satisfaction of the consent authority.
22. An Occupancy Permit under the *Building Act* must not be issued until Lots 2427 and 2427 (2 and 3) Packard Place, Town of Darwin have been consolidated and a new title issued for the consolidated lot.

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 Northern Territory Fire and Rescue Services should be contacted prior to construction works commencing to determine if the NT Fire and Rescue servicing requirements have been met as full lot fire coverage cannot be achieved from existing hydrants. Internal fire fighting arrangement shall be made to the satisfaction of NT Fire and Rescue Services.

3. This development permit does not grant "building approval" for the proposed structure. The Building Code of Australia requires that any structure within 900mm of a boundary meets minimum fire resistance level requirements and you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing demolition or construction works.
4. The developer is to contact Telstra via the following website prior to any work commencing to facilitate the installation of the Telstra Network. <https://www.telstrasmartcommunity.com/>

REASONS FOR THE DECISION

1. The proposal is consistent with the primary purpose of Zone HR (High Density Residential) which is to 'provide high density housing options'.
2. Pursuant to Section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

A variation to clause 6.5.3 (Parking Layout) of the NT Planning Scheme to allow a car parking area to be located 1.65m from the street boundary and not landscaped to a depth of 3m is supported as a solid 1.5m high blockwork fence has been provided to screen the car park from the public realm thereby lessening the visual impact of the car park when viewed from Mitchell Street.

A variation to clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme to allow reduced setbacks to Mitchell Street, Packard Place and the Eastern side boundary is supported as:

- The building is well articulated with a variety of architectural features, interesting fenestration elements and balconies which break up the visual mass of the building when viewed from the effected boundaries;
- Screening features have been included on balconies and widows so as to ensure the privacy of the residence of adjoining developed lots;
- The curved balconies located on the corner of Mitchell Street and Packard Place, and the well articulated building design are considered to have produced an attractive building, which is sympathetic to the streetscape and surrounding area; and
- The development achieves a reasonable level of community safety through the provision of private open space balconies fronting Mitchell Street and Packard Place.

ACTION: Notice of Consent and Development Permit

ITEM 6
PA2011/0746
APPLICANT

**CONVERT 2 MOTEL SUITES TO PRIVATE GAMING SALONS
LOT 5244 (1) CASINO DRIVE, TOWN OF DARWIN
JUNE D'ROZARIO AND ASSOCIATES PTY LTD**

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

**RESOLVED
287/11**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 5244 (1) Casino Drive, Town of Darwin for the purpose of conversion of two suites to private gaming salons, subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings numbered 2011/0746/1 and 2011/0746/2 endorsed as forming part of this permit.
2. The use and/or development as shown on the endorsed plans must not be altered without the further consent of 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 to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. Storage for waste disposal bins is to be provided to the requirements of 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 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 proposed development is consistent with the purpose of zone TC (Tourist Commercial) which is to provide for uses or development servicing tourism, including commercial and residential activities.
2. The change of use from accommodation suites to private gaming rooms is not considered to exasperate the risk to people, damage to property or costs to the community by virtue of its existence and as such the approval of the conversion is generally in keeping with the purpose of Clause 6.14 (Land Subject to Flooding and Storm Surge) which is to "reduce risk to people, damage to property and costs to the general community caused by flooding and storm surge". It is noted that the change of use is to be accommodated within an existing building which has previously been

demonstrated to have sufficient finished floor levels above that of the storm surge levels.

3. The provision of 2 car parking spaces for each suite and salon has been considered adequate for the proposed use. This was determined considering the site as a whole, nearby parking opportunities, expected patronage of the private gaming area, limousine service and the ancillary nature of the salon to the motel suite.

ACTION: Notice of Consent and Development Permit

ITEM 7
PA2011/0745
APPLICANT

CHANGE OF USE 2 TENANCIES FROM OFFICE TO MEDICAL CLINIC
UNIT 10865 & UNIT 10866 (7C) GSELL STREET, TOWN OF NIGHTCLIFF
JUNE D'ROZARIO AND ASSOCIATES PTY LTD

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

RESOLVED
288/11

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Unit 10865 (Apt 46 (office 4) 7C Gsell Street, Town of Nightcliff for the purpose of change of use from office to medical clinic subject to the following conditions:

1. Works carried out under this permit shall be in accordance with drawings numbered 2011/0745/1 and 2011/0745/2, endorsed as forming part of this permit.
2. Before the use commences the owner must, in accordance with 70(3) of the *Planning Act* provide 12 parking bays. In accordance with section 70(5) of the Act, 1 of the required parking bays must be provided through the payment of a monetary contribution to the Darwin City Council. The contribution is to be calculated in accordance with the requirements of section 70(6) of the Act.
3. The use and/or development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
4. Prior to commencement of use, a waste management plan addressing Darwin City Council's Waste Management Policy 054 must be prepared to the requirements of Darwin City Council and to the satisfaction of the consent authority.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities and electricity to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
6. 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 car parking shown on the Unit Title Subdivision plan as part of Unit 10865 must be available at all times for the exclusive use of the occupants of the development and their visitors/ clients.

NOTES:

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

REASONS FOR THE DECISION

1. The proposal is consistent with the primary purpose of Zone C (Commercial), which is, "to provide for a range of business and commercial uses".
2. 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 a payment in lieu to the Darwin City Council for 1 space will ensure that parking will be made available in the locality in the long term and as the provision of parking for commercial uses in a publicly accessible centralised pool promotes land use efficiency and improves availability of parking to the full community.

ACTION: Notice of Consent and Development Permit

ITEM 8 18 X 1, 34 X 2 AND 8 X 3 BEDROOM MULTIPLE DWELLINGS AND GROUND
PA2011/0753 FLOOR OFFICE IN AN 11 STOREY BUILDING INCLUDING 2 LEVELS OF
BASEMENT CAR PARKING
LOT 3492 (117) MITCHELL STREET, LOT 3493 (10) DOCTORS GULLY ROAD &
LOT 5684 (3) DALY STREET, TOWN OF DARWIN
APPLICANT JUNE D'ROZARIO AND ASSOCIATES PTY LTD

Ms June D'Rozario (June D'Rozario & Associates) and Mr George Tsirbas (owner) attended.

RESOLVED That, the Development Consent Authority vary the requirements of
289/11 Clause 6.3.2 (Volumetric Control in Central Darwin), Clause 6.3.3 (Urban Design Requirements in Central Darwin), Clause 6.3.1 (Parking Requirements), and Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme, and pursuant to section 53(b) of the *Planning Act*, alter the proposed development and consent to the proposed development as altered to develop Lot 3492 (117 Mitchell

Street), Lot 3493 (10 Doctors Gully Road) & Lot 5684 (3 Daly Street), Town of Darwin for the purpose of 18 x 1, 34 x 2 & 8 x 3 bedroom multiple dwellings and ground floor office in an 11 storey building including 2 levels of basement car parking, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of works (including site preparation) a full set of amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) car parking space numbers 28 & 37 at basement level 2 provided with a minimum height clearance of 2.2m; and
 - (b) waste bin storage and management designed in consultation with Darwin City Council.
2. Prior to endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a schematic plan demonstrating all stormwater to be collected on the site and discharged underground to Council's stormwater drainage system, to the requirements of Darwin City Council and to the satisfaction of the consent authority.
3. Prior to endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to obtain approval from the Power and Water Corporation for development on/ over its easement or otherwise as required by Power and Water Corporation, to the satisfaction of the consent authority.
4. Prior to endorsement of plans and prior to the commencement of works (including site preparation), a Traffic Study to the satisfaction of the consent authority must be provided to the consent authority demonstrating that access arrangements along Doctors Gully Road function adequately for the proposed development, including the consideration of changed traffic conditions and additional vehicle movements generated by the proposed development and its effects on the Doctors Gully Road/ Mitchell Street and Daly Street/ Mitchell Street intersections, as required by Darwin City Council, to the satisfaction of the consent authority.
5. Prior to endorsement of plans and prior to the commencement of works (including site preparation), a Comprehensive Traffic Management Plan must be provided to ensure continued access to the public bus services in the vicinity of the site throughout the construction period as required by Department of Lands and Planning, to the satisfaction of the consent authority.

6. Prior to endorsement of plans and prior to the commencement of works (including site preparation and Erosion and Sediment Control Plan (ESCP) must be provided to the requirements of Darwin City Council, 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. Before the use commences the owner must, in accordance with section 70(3) of the *Planning Act* provide 104 parking bays. In accordance with section 70(5) of the Act, 1 of the required parking bays may be provided through the payment of a monetary contribution to the Darwin City Council. The contribution is to be calculated in accordance with the requirements of section 70(6) of the Act.
9. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities, electricity and telecommunication services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
10. 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.
11. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Darwin City Council, to the satisfaction of the consent authority.
12. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways;
 - (c) collect stormwater and discharge it to the drainage network; and
 - (d) undertake reinstatement works;all to the technical requirements of and at no cost to Darwin City Council to the satisfaction of the consent authority.
13. 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.

14. 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.
15. 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.
16. 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.
17. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
18. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
19. 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.
20. 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.
21. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council to the satisfaction of the consent authority.
22. An Occupancy Permit under the *Building Act* shall not be granted until such time as Lots 3492, 3493 & 5684, Town of Darwin have been consolidated and subdivided and a new title issued in respect of that consolidated allotment.

NOTES:

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

3. The developer shall contact Service Stream on 1800 733 776 or Commercial/leadin@servicestream.com.au prior to any work commencing to facilitate the installation of the Telstra Network.
4. Car parking for the multiple dwellings has been assessed at 1 parking space per 1 bedroom dwelling, and 2 parking spaces per 2 & 3 bedroom dwellings to reflect the similar percentage between that part of the site within Zone CB (Central Business) and the proportion of 1 bedroom dwellings.
5. The applicant is advised that an engineering solution may be required to avoid any structural implications on the development due to presence of any springs located on or nearby to the subject site.

REASONS FOR THE DECISION

1. The proposed development is consistent with the purpose of Zones TC (Tourist Commercial) and Zone CB (Central Business) which are to 'provide for uses or development servicing tourism including commercial and residential activities' and '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 (Volumetric Control in Central Darwin) of the Northern Territory Planning Scheme is supported as the slight increased building length/ boundary length ratio, and reduced front setback for the Tier 2 (top floor) component of that part of the development within Zone CB is addressed by an alternative design solution whereby Tier 1's development potential of construction to both front property boundaries results in an overall development with less building coverage and building massing, and achieving the purpose of the clause of maximising potential view corridors and penetration of light and breezes through and around the site.
3. A variation to Clause 6.3.3 (Urban Design Requirements in Central Darwin) of the Northern Territory Planning Scheme is supported as the level of active street frontage, and lack of awnings, reflects the development's design in providing a transition between two zones.
4. 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 a payment in lieu to the Darwin City Council for 1 space will ensure that parking will be made available in the locality in the long term, and as the provision of parking for commercial uses in a publicly accessible centralised pool promotes land use efficiency and improves availability of parking to the full community.

5. Variations to clause 7.3 (Building Setbacks of Residential Buildings and Pergolas, Carports and the Like) are supported as:
 - the reduced front setbacks to both street frontages will result in transition setbacks between the Zone CB (Central Business) and Zone MD (Multiple Dwelling Residential) land which is expected to enhance the streetscape;
 - the reduced north-west side setback is supported in the context of the site and surrounding area, with the use of design treatments to reduce the visual impact of the building, and in recognition of the site's abuttal to land within Zone CB (central Business) where more intense development is expected; and
 - the strict application of the additional setback requirement for the 4th storey and above is likely to result in a more visually inconsistent development and as such, the proposed development will be more sympathetic to the streetscape and surrounding area.
6. A requirement for amended plans for alterations to the car parking layout will ensure that car parking and vehicle access is functional and convenient as required by Clause 6.5.3 (Parking Layout) of the NT Planning Scheme.
7. The requirement for amended plans showing waste bin management and storage will ensure the site is serviced to the requirements of the relevant servicing authority.

ACTION: Notice of Consent and Development Permit

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



PETER MCQUEEN
Chairman

5/12/11