



# **DEVELOPMENT CONSENT AUTHORITY**

## **DARWIN DIVISION**

### **MINUTES**

**MEETING No. 228 – FRIDAY 21 MARCH 2014**

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

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

**APOLOGIES:** Garry Lambert

**OFFICERS PRESENT:** Margaret Macintyre (Secretary), Linda Henning, Sally Cunningham, Anthony Brennan, Dawn Parkes and for part of the meeting Kirrily Chambers (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Cindy Robson and Mikaela McNamara (Item 5 only)

**Meeting opened at 9.30 am and closed at 12 30 pm**

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

**ITEM 1**                    **STOCKPILING OF FILL FOR PERIOD OF 12 MONTHS**  
**PA2014/0075**           **LOTS 6504 & 6503 (64 & 66) FRANCES BAY DRIVE, TOWN OF DARWIN**  
**APPLICANT**           **NORTHERN PLANNING CONSULTANTS**

Mr Brad Cunnington (Northern Planning Consultants), Mr Ian Fanning (NT Director, Tasmanian Seafoods) and Mr Craig Sanders (Structural Manager, SKM Darwin) attended.

Submitters Mr Arthur & Mrs Gail Boland and Mr Bruce West sent their apologies.

Submitters in attendance:- Mrs Heather West and Ms Katrina Harding.

Ms Harding tabled 8 photos showing fill on the site and the fills proximity to the seawall.

**RESOLVED**  
**61/14**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lots 6504 & 6503 (64 & 66) Frances Bay Drive, Town of Darwin for the purpose of stockpiling of fill 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:

- Provide evidence by a suitable qualified independent professional that the existing subsurface material are compacted and prepared in such a way that the stockpiling of fill on the existing concrete hardstand and surrounding areas will not cause any subsurface materials to seep out and contaminate the environment and/or cause risks to human health; and
- Provide evidence that the proposed stockpiling of fill would be used only for the development of the site proposed in PA2014/0136 i.e. reclamation including coastal landfill, maritime and waterfront industry (inclusive of workshops) and showroom sales in 3 x single storey buildings

#### **REASONS FOR THE DECISION**

1. Pursuant to section 46(4)(b) of the *Planning Act*, the consent authority may defer consideration of a proposal to allow the applicant to provide additional information it considers necessary to enable the proper consideration of the proposal and its impact on the site and surrounding area.
2. The deferral of the application for stockpiling of fill will allow the development consent authority to consider this application in conjunction with development proposal PA2014/0136 and that the intend and purpose of Clause 6.16 (Excavation and Fill) is realised and further that the temporary stockpiling of fill is associated with the

potential future use of the site.

**ACTION:** Advice to Applicant

**ITEM 2**  
**PA2014/0044**  
**APPLICANT**

**DEPENDANT UNIT WITH A FLOOR AREA IN EXCESS OF 50 M<sup>2</sup>**  
**LOT 4316 (185) LEANYER DRIVE, TOWN OF SANDERSON**  
**SIMON & LYNDELL NATHANAEL**

Mr Simon & Mrs Lyndell Nathanael attended.

**RESOLVED**  
**62/14**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 4316 (185) Leanyer Drive, Town of Sanderson, for the purpose of a dependant unit with a floor area in excess of 50m<sup>2</sup>, subject to the following conditions:

**GENERAL CONDITIONS**

1. The works carried out under this permit shall be in accordance with the drawings numbered 2014/0044/1 through to 2014/0044/3 inclusive, endorsed as forming part of this permit.
2. The use as shown on the endorsed plans must not be altered without the further consent of the consent authority.
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, drainage, sewerage facilities and electricity, to the land shown on the endorsed plan in accordance with the authorities' requirements.
5. Stormwater is to be collected and discharged into the drainage network to the technical standards and of at no cost to the City of Darwin, to the satisfaction of the consent authority.
6. The use permitted by this permit shall not commence until a lawful single dwelling is established on the land.

**NOTES:**

1. This permit will expire if one of the following circumstances applies:
  - (a) the use is not started within two years of the date of this permit; or
  - (b) the development is not completed within four years of the date of this permit.The consent authority may extend the periods referred to if a request is made in writing before the permit expires.

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

### REASONS FOR THE DECISION

1. Despite the non-compliance, the proposed development does not conflict with the primary purpose of zone RL (Rural Living) to provide for low-density rural living, and is in line with the purpose of clause 7.10.4 (Dependant Units), in that the proposed dependant unit is ancillary to the anticipated single dwelling on the site.
2. The application is to convert an existing dwelling into a dependant unit thereby allowing construction of a larger residence on the land to be completed. There would be significant obstacles in altering the floor area of the existing dwelling to result in a conforming floor area.
3. A variation to clause 7.10.4 (Dependant Units) of the Northern Territory Planning Scheme is supported as:
  - there will only be one dependant unit on site and although it exceeds 50m<sup>2</sup> it satisfies the primary purpose of the clause in that it is ancillary to the anticipated single dwelling on site;
  - the dependant unit is not expected to impact on the residential amenity of adjoining and nearby property as it is screened on all sides by mature vegetation, will utilise existing services on the lot and share amenities with the anticipated single dwelling; and
  - the dependant unit is located in excess of the required building setbacks, positioned 25m from the closest boundary and more than 100m from the nearest neighbouring dwelling.

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

**ITEM 3**  
**PA2014/0005**  
**APPLICANT**

**12 x 2 BEDROOM MULTIPLE DWELLINGS IN A 4 STOREY BUILDING**  
**LOT 4686 (40) GOTHENBURG CRESCENT, TOWN OF DARWIN**  
**AJAR ARCHITECTS**

Ms Joanna Rees and Mr Shane Harris (Ajar Architects), Ms Tatiana Kelly (owner) attended.

**RESOLVED**  
**63/14**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 4686 (40) Gothenburg Crescent, Town of Darwin for the purpose of 11 x 2 bedroom multiple dwellings in a 4 storey building to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

- Amended plans that demonstrate greater compliance with the minimum standards of the relevant sections of the NT Planning Scheme, together with details of landscaping proposed within the verge and proposed methods to preclude the parking of vehicles on within this area;
- Demonstration of special circumstances required under Clause 2.5 (Exercise of Discretion by the Consent Authority) of the NT Planning Scheme to justify any variations requested; and
- Further information that demonstrates how air conditioning condensers have been located where they are accessible for servicing.

#### **REASON FOR THE DECISION**

1. Pursuant to section 46(4)(b) of the *Planning Act*, the consent authority may defer consideration of a proposal to allow the applicant to provide additional information it considers necessary to enable the proper consideration of the proposal and its impact on the site and surrounding area.

**ACTION:** Advice to Applicant

**ITEM 4  
PA2014/0088  
APPLICANT**

**6 X 1 BEDROOM MULTIPLE DWELLINGS IN 2 X 2 STOREY BUILDINGS  
LOT 7317 (7) WINSTON AVENUE, TOWN OF DARWIN  
NORTHERN PLANNING CONSULTANTS**

Mr Brad Cunnington (Northern Planning Consultants), Mr Manuel Liveris and Mr Paul Winter (Habitat NT) attended.

Submitter Ms Christine Fitzgerald attended.

**RESOLVED  
64/14**

That, the Development Consent Authority vary the requirements of Clause 7.1.1 (Residential Density Limitations), Clause 7.3.1 (Additional Setback Requirements for Residential Buildings longer than 18m and for Residential Buildings Over 4 Storeys in Height) and 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 7317 (7) Winston Avenue, Town of Darwin for the purpose of 6 x 1 bedroom multiple dwellings in 2 x 2 storey buildings, subject to the following conditions:

#### **CONDITIONS PRECEDENT**

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), the developer must provide evidence of acceptance from the City of Darwin regarding the realigned vehicle crossover that services the property (shown on drawings SK01-SK02 dated March 2014) noting Council's preference for the retention of the existing street tree and power pole location.

2. 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 generally in accordance with the plans submitted with the application but modified to show:
  - a) Relocation of the bike storage area to an area satisfactory to the development consent authority.
3. 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.
4. Prior to the commencement of works (including site preparation) a waste management plan in accordance with Council's Waste Management Policy is required to be submitted, to the requirements of the City of Darwin, 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 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, and is to include details of the haulage of excavated and new materials, traffic management for construction vehicles, fencing and hours of construction.
6. 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, and is to include swept paths for waste collection vehicles entering and exiting the site. The report is to be to the approval of the City of Darwin), to the satisfaction of the consent authority.

## GENERAL CONDITIONS

7. The works carried out under this permit shall be in accordance with drawing numbers endorsed as forming part of this permit.
8. 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.
9. 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.

10. 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.
11. 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.
12. 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;
  - d) line marked to indicate each car space (where appropriate); and
  - e) drained;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 plan(s) must be available at all times for the exclusive use of the occupants of the development and their guests.
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 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.
17. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.

#### **NOTES:**

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the 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 6 x 1 bedroom multiple dwellings in 2 x 2 storey buildings is consistent with the primary purpose of Zone MD (Multiple Dwellings Residential) which is to provide for a range of housing options to a maximum height of two storeys above ground level. The design is considered to be sympathetic to the style of existing development and development reasonably expected in the future on other surrounding Zone MD allotments.
2. A variation to the requirements of Clause 7.1.1 (Residential Density Limitations) to allow a density of one dwelling per 158m<sup>2</sup> instead of the required one per 300m<sup>2</sup> is appropriate in this instance as:
  - It is considered that the dwelling configuration and number of bedrooms proposed will 'self-limit' the maximum number of residents able to be accommodated on the site thereby reducing the likelihood of the dwellings being modified to accommodate additional occupants (i.e. the design excludes study rooms or additional living areas that may easily be modified);
  - The design is largely consistent with the standard requirements of the Scheme for a development of this type. The variations requested by the application are not considered to demonstrate that the site is incapable of supporting the development as proposed and are considered appropriate to the site given the design proposed; and
  - No service authority identified particular concern with the capacity of its infrastructure and its capability of supporting the proposed density suggesting that the development is consistent with the purpose of the clause.
3. A variation to the requirements of Clause 7.3.1 (Additional Building Setback Requirements for Residential Buildings longer than 18m and for Residential Buildings over 4 storeys in height) to allow the verandahs attached to units one, two, three and four to be located 1.5m from the western side boundary instead of the required 2m is considered appropriate as:
  - The verandahs could be altered to a cantilevered design and the posts setback a further 0.5m for the structure to comply. However, as the



Scheme permits the roof structure/eaves to project 0.9m into the required building setback in any case, relocating the posts to comply would have very little benefit for adjacent residents or future occupants of this site as the roof could remain in its current position;

- A 1.8m high solid screen fence is also proposed along the affected boundary which will partially screen the posts and obscure them from view from the affected parcel; and
  - Overall, it is considered that the verandahs add to the visual amenity rather than detract from it and play an important role in minimising the visual bulk of the building, providing a varied setback to the affected boundary and adds greater visual interest/articulation to the development as a whole.
4. A variation to the requirements of Clause 7.5 (Private Open Space) to allow units two to six to have non-compliant private open space is considered appropriate as:
- the private open space provided is appropriate as the yards are considered to reflect the size and type of private open space reasonably expected of a one bedroom dwelling. The design and dwelling configuration is expected to self-limit the number of residents that can be accommodated in each dwelling and the normal requirements of the clause, that similarly apply to two, three and four bedroom dwellings, are not considered to accurately reflect the likely demands of the one-bedroom dwellings proposed in this application;
  - Despite the non-compliance, units one, four, five and six all provide private open space well in excess of the minimum 45m<sup>2</sup> required which may offset the dimensional shortfall for these dwellings particularly by offering additional space to these dwellings; and
  - The open space demands of occupants of the dwellings are considered to have been sufficient catered for with the design generally achieving the objective of the clause.

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

**ITEM 5**                      **30 X 2 BEDROOM MULTIPLE DWELLINGS IN A 4 STOREY BUILDING WITH**  
**PA2014/0076**                **GROUND LEVEL CARPARKING**  
**APPLICANT**                **LOT 4687 (9) QUANDONG CRESCENT, TOWN OF NIGHTCLIFF**  
**DKJ PROJECTS ARCHITECTURE**

Ms Tammy Neumann and Mr Adam Walker (DKJ Projects Architecture), Mr Steven Koukouvas (owner) and Mr Brad Cunnington (Northern Planning Consultants) attended.

Mrs Laurie Palfy attended on behalf of her daughter submitter Ms Leonora Palfy

**RESOLVED**                That the Development Consent Authority vary the requirements of clause 7.1.1  
**65/14**                        (Residential Density Limitations), clause 7.3.1 (Additional Setback Requirements for Residential Buildings Longer than 18m and for Residential Buildings Over 4 Storeys in Height) and clause 7.6 (Communal 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 4687 (9) Quandong Crescent, Town of Nightcliff, for the purpose of 30 x 2 bedroom multiple dwellings in a 4 storey building with ground level car parking, subject to the following conditions:

#### **CONDITIONS PRECEDENT**

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Darwin's stormwater drainage system shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority. The plan shall include details of site levels and Council's stormwater drain connection point/s.
2. 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, and is to include swept paths for waste collection vehicles entering and exiting the site. The report is to be to the approval of the City of Darwin/ Department of Transport (whichever relevant), to the satisfaction of the consent authority.
3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare 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, and should specifically address waste management, traffic control, haulage routes, stormwater drainage, and the use of City of Darwin Land during construction.
4. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a waste management plan in accordance with Council's Waste Management Policy is required to be submitted, to the requirements of the City of Darwin, to the satisfaction of the consent authority.
5. 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 BBQ area on the ground level to be shaded/covered
  - (b) The parking bays at the front of the site not covered by the building to receive shade/cover.
  - (c) The identification of future unit title arrangements for car parking spaces that allow for the allocation of only 1 space per dwelling and all remaining spaces to be within a common car parking pool to be

managed by the body corporate for additional resident use as well as visitors (inclusive of some bays outside of any secure area). Condition number 8 outlines the parking requirements should the development be unit titled.

6. Prior to the endorsement of plans and prior to the 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 be generally in accordance with the plan submitted with the application but modified to include:
  - (a) Written advice from a suitable qualified person that the species proposed for the areas between the front boundary and carpark/entry pathway are suitable given the narrow dimensions of the area available.
  - (b) A planting schedule for the landscaping on levels 1 to 3 including details of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.
  - (c) A verge landscaping plan to the requirements of the City of Darwin, to the satisfaction of the consent authority. The verge landscaping is to provide additional amenity to the street as well as deter the parking of vehicles on the verge.  
All species selected must be to the satisfaction of the consent authority.

#### **GENERAL CONDITIONS**

7. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
8. Should the development be unit titled, only one parking bay is to be included as part of the area under the title for each individual unit and the remaining parking bays are to be in common property and be managed and allocated by the body corporate in accordance with the needs of residents and their visitors.
9. 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.
10. 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.
11. 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.
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, the City of Darwin, and to the satisfaction of the consent authority.
13. 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.
14. 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.
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 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.
17. 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.
18. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.
19. Soil erosion and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
20. No polluted and/or sediment laden run-off is to be discharged directly or indirectly to City of Darwin drains or to any watercourse.

**NOTES:**

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

- The developer is responsible for the full cost to provide required power supply to the proposed development.
  - 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.
3. Professional advice regarding implementation of soil erosion and dust control measures to be employed throughout the construction phase of the development is available from the Department of Land Resource Management.
  4. 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 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. A variation to Clause 7.1.1 (Residential Density Limitations) is acceptable as the site is not within a projected storm surge or flood affected area, is not close to any high noise sources) and no other physical site constraints have been identified. Power and Water Corporation advise that their requirements in terms of reticulated services can be met through contributions and upgrades at the developers cost. There are numerous community facilities in the area and the site is close to the Bagot/Trower Road transit corridor. The development is able to achieve a higher density than that envisaged for the zone and meet the purpose of the NTPS due to the shape and unconstrained nature of the site, favourable adjacent land zonings and relatively small dwelling sizes, which, on balance, demonstrates that the land is capable of accommodating the proposed density without any significant impacts on the current or future amenity of the area.
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) is acceptable as the front and rear of the building is staggered and inclusive of balconies, which are largely open and act to reduce the solid form or massing effect. The side wall incorporates further recesses of around 5m to the atrium/ breezeway link and additional architectural design features also act to further 'break-up' the overall form. These include planter boxes, horizontal batten screening to the atrium, vertical screening to the A/C enclosures and glass balustrading.

Additionally, the walls presenting to the side boundary do not contain windows, which ensures privacy to the adjacent properties is protected. The architectural variations and design of the building results in a scale of building which has a minimal impact on the streetscape and adjoining land, does not result in any overlooking of adjoining properties, and will not affect breeze penetration.

4. A variation to Clause 7.6 (Communal Open Space) is acceptable as the ground level COS is itself only slightly below the required amount and the additional spaces on the upper levels ensure adequate suitable areas are available. The spaces provide opportunities for casual interactions and offer an alternative to the ground level areas, and meet the purpose of the clause with respect to location and design criteria.
5. Pursuant to clause 2.5(4) of the NT Planning Scheme, the consent authority determined to require a higher standard of development with respect to the car parking arrangements with the inclusion of a condition precedent requiring that only one parking bay is to be included as part of the area under the title for each individual unit and the remaining parking bays are to be in common property and be managed and allocated by the body corporate in accordance with the need of residents and their visitors. This ensures the efficient use of the car parking area and ensures on-street parking associated with the development is minimised. This condition, considered in conjunction with the variations granted by the consent authority, ensures the development is consistent with the primary purpose of Zone MR (Medium Density Residential).
6. Pursuant to section 51(e) of the *Planning Act*, in considering a development application the consent authority is required to take into account any submissions made under section 49. Two submissions were received raising concerns with the proposal particularly in regard to density, traffic, fencing, and communal open space and landscaping. The matters raised relate largely to the requirements of the NT Planning Scheme and the consent authority has determined to grant variations to some elements and noted the developments compliance with other requirements. The concerns around fencing have been resolved with the applicant providing amended plans showing a 1.8m high fence to the side and rear boundaries. A precedent condition requires that only one parking bay are to be included as part of the area under the title for each individual unit and the remaining parking bays are to be in common property and be managed and allocated by the body corporate in accordance with the need of residents and their visitors which should ensure on-street parking associated with the development is minimised. Precedent conditions should adequately address stormwater management, traffic issues, infrastructure, construction management, waste management and landscaping. A variety of standard conditions will address other concerns.
7. Pursuant to section 51(m) of the Planning Act the consent authority must take into consideration the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities

and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose. Conditions requiring the applicant to enter into agreements with the relevant authorities for the provision of all necessary utility infrastructure and easements ensure the development is appropriately serviced and does not adversely impact on existing utility assets.

8. 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 design is consistent with the style and scale of development permitted by Zone MR (Medium Density Residential) and nature of development reasonably anticipated by the wider community and promoted by the Planning Scheme. Consideration has been given to the streetscape and existing developments in the locality and the proposed development is not expected to unduly impact on the existing and future amenity of the area.
9. 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.
10. A Traffic Impact Assessment report is required in order for the development to demonstrate that the additional traffic can be accommodated within the existing road network.

**ACTION:** Notice of Determination

**ITEM 6**                      **SUBDIVISION AND CONSOLIDATION TO REALIGN THE REAR BOUNDARY**  
**PA2014/0056**                **LOT 3919 (14) QUARRY CRESCENT & PART LOT 5942 (ADMIN LOT 7296), (50)**  
                                     **ARMIDALE STREET, TOWN OF DARWIN**  
**APPLICANT**                **FYFE PTY LTD**

Mr Warwick Bryant (Fyfe Pty Ltd) attended.

**RESOLVED**                That, pursuant to section 53(a) of the *Planning Act*, the Development Consent  
**66/14**                        Authority consent to the application to develop Lot 3919 (14) Quarry Crescent and  
                                     Part Lot 5942 (Admin Lot 7296) (50) Armidale Street, Town of Darwin for the  
                                     purpose of subdivision and consolidation in 2 stages.

#### **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 the creation of proposed Lot A

(Administrative Lot 7296) as Stage 1 of the proposal and the consolidation of proposed Lot A and Lot 3919 to create proposed Lot B as stage 2 of the proposal.

## **GENERAL CONDITIONS**

2. Works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for approval by the Surveyor General.
4. The subdivision must proceed in the order of stages as shown on the endorsed plan unless otherwise agreed in writing by the consent authority.
5. Engineering design and specifications for stormwater drainage, are to be to the technical requirements of the City of Darwin and/or the Department of Lands, Planning and the Environment) (as the case may be) to the satisfaction of the consent authority and all approved works constructed at the owner's expense.

## **NOTES:**

1. This permit will expire if one of the following circumstances applies:
  - (a) the development and use is/are not started within two years of the date of this permit; or
  - (b) the development is not completed within four years of the date of this permit. The consent authority may extend the periods referred to if a request is made in writing before the permit expires.
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing 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 proposed subdivision and consolidation will result in a parcel of land that will continue to meet the minimum lot size requirements applicable under the NT Planning Scheme and will not have any detrimental impact on the amenity of the locality or adjoining residential properties.
2. The application attracted one submission which (amongst other things) raised concerns regarding the merits of allowing the transfer of land from public to private interests and the perceived lack of merit of the proposal. The consent authority is satisfied that the proposal to allow the consolidation of this particular area that is separated topographically from



other parts of the area of that Lot that are within Zone PS will have no impact on the amenity of remaining areas of the PS zoned land.

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

**ITEM 7**  
**PA2013/0996**  
**APPLICANT**

**SUBDIVISION TO CREATE TWO LOTS**  
**LOT 4664 (1) DICK WARD DRIVE, TOWN OF DARWIN**  
**DEPARTMENT OF HOUSING**

Mr John Harrison (Director Maintenance, Planning and Delivery, Department of Housing) attended.

**RESOLVED**  
**67/14**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 4664 (1) Dick Ward Drive, Town of Darwin for the purpose of subdivision to create two lots, subject to the following conditions:

**CONDITIONS**

1. The works carried out under this permit shall be in accordance with plans endorsed as forming part of this permit.
2. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for approval by the Surveyor General.
3. 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.
4. Prior to the issue of Part V clearance, the developer is to provide the Department of Lands, Planning and the Environment with a statement from a registered building certifier verifying that the existing buildings on site will unconditionally continue to comply with the *Building Act* following the proposed subdivision and consolidation, to the satisfaction of the consent authority.
5. The developer is required to contact "Dial Before You Dig" on 1100 to obtain a location of the Telstra Network and arrange for any relation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.

## NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. The Power and Water Corporation advises that full lot fire coverage cannot be achieved from existing hydrants and internal firefighting arrangements should be made to the satisfaction of the NT Fire and Rescue Service.

## REASONS FOR THE DECISION

1. The purpose of the subdivision is to separate the two distinct uses of lot 4664 (1) Dick Ward Drive facilitating the release of the western portion (Lot A) for the purpose of redevelopment.
2. Pursuant to section 51(a) of the *Planning Act*, the consent authority must give consideration to any planning scheme that applies to the land to which the application relates. The proposal is consistent with the 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 complies with clause 2.6 (Subdivisions of Land) and clause 11.0 (Subdivision) of the Northern Territory Planning Scheme.

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

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

  
GRANT TAMBLING  
Delegate

27/3/14