



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 302 - FRIDAY 22 SEPTEMBER 2017 AT 9 45 AM

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

MEMBERS PRESENT: Suzanne Philip (Chair), Justine Glover (Alternate Member), Garry Lambert, John Gleeson and Doug Phillips

APOLOGIES: Nil

OFFICERS PRESENT: Anthony Brennan, Amit Magotra and May Patterson (Development Assessment Services)

COUNCIL REPRESENTATIVE: David Burrow and James Whyte

Meeting opened at 9.45 am and closed at 11:45 am

**RESOLVED
162/17**

That, the Development Consent Authority has determined to reduce the car parking requirements under clause 6.5.2 (Reduction in Parking Requirements) of the Northern Territory Planning Scheme for the change of use from office to medical clinic (tenancy 2 and 3) from 12 spaces to six (6) spaces, vary the requirements of clause 6.5.1 (Parking Requirements) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application to develop Units 10834 and 10835 (44) Woods Street, Town of Darwin for the purpose of a change of use from office to medical clinic (tenancy 2 and 3), subject to the following conditions:

CONDITIONS PRECEDENT

1. 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, and must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) The location of all off-street car parking spaces and documents clarifying the process by which clients of the medical clinic can access all off street car parking spaces.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. Before the use commences the owner/developer must, in accordance with section 70(3) of the Planning Act, provide an additional one (1) car parking bay. In accordance with section 70(5) of the Planning Act, the one (1) additional parking bay may be provided through the payment of a monetary contribution to the City of Darwin. The contribution is to be calculated in accordance with the requirements of section 70(6) of the Planning Act.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewer and electricity facilities to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. 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 visitors.

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (powerdevelopment@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 Environment Protection Authority advises that construction work should be conducted in accordance with the Authority'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. Any proposed signage for the site shall be subject to a separate assessment in accordance with City of Darwin Policy Number 42 – Outdoor Advertising Signs Code.

REASONS FOR THE RECOMMENDATION

1. 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.

The site comprises a commercial tenancy within a mixed use complex development.

The proposal is consistent with the primary purpose of Zone CB (Central Business) in providing 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. The Authority has carefully considered the additional car parking requirements generated by the proposal taking into account the existing vacant commercial tenancy, the existing car parking area on-site and nature of the use being an existing physiotherapy clinic currently operating within the Darwin CBD area. The authority has assessed the current proposal as generating a shortfall of seven parking spaces (12 spaces required with 5 spaces provided). Pursuant to Clause 6.5.2 (Reduction in Parking Requirements) a reduction of six car parking spaces (from 7 to 1) for the change of use from office to medical clinic is granted as:

- Patient generated parking is reduced due to a total of three (3) consultation rooms provided and the length of the physiotherapy appointments being 30-45 minutes per session with minimal overlap time between the sessions. This is compared to other medical centres with high turnover and longer waiting time and consequently more patients on site at any one time;
- The existing five (5) spaces on site will be made available to staff and patients;
- Almost half of patients walk to appointments given the majority reside and/or work within the Darwin CBD;
- Location of the subject site is located within the central Darwin CBD area with proximity to public transport and alternative modes of transportation; and
- Availability of metered on-street car parking on surrounding streets including Wood, Gardiner, Knuckey, Foelsche and Manton Streets; and

- The proximity of all day parking at the Australia Post Office Car Park and McMinn Street car park.
3. The request for a further reduction to provide no additional car parking is not supported by the authority as the number of staff and patients being a total of seven people on site at any one time is considered to exceed the number of available parking bays to the premises and hence, a monetary contribution of one space be paid in lieu of parking on site is considered reasonable.
 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 City of Darwin for one (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. Pursuant to Section 51(n) of the Planning Act, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated. The proposed change of use to a physiotherapist clinic is not considered to cause amenity impacts to the locality given the use is expected to generate low noise emissions and is fully contained within the premises.

ACTION: Notice of Consent and Development Permit

ITEM 3
PA2017/0090
APPLICANT

3 X 2 BEDROOM MULTIPLE DWELLINGS IN TWO SINGLE STOREY BUILDINGS
PORTION 2507 (14) GLENEAGLES CRESCENT, HUNDRED OF BAGOT
MASTERPLAN (NT)

Jack Priestley (applicant), Charlie Dickman (Ray Laurence Constructions) and David Burrow and James Whyte (City of Darwin) attended.

RESOLVED
163/17

That, the Development Consent Authority determine to vary the requirements of Clauses 6.5.3 (Parking Layout), 7.1.1 (Residential Density Limitations), 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 Lot 02507 (14) Gleneagles Crescent, Hundred of Bagot for the purpose of three (3) x two (2) bedroom multiple dwellings in two single storey buildings, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), an amended landscape plan must be submitted to and approved by the consent authority, and where located on the road verge, to the requirements of City of Darwin. 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 must be generally in accordance with the plans submitted with the application but modified to show:

- (a) Landscape screening to the front setback to Unit 1 to soften the visual impact of the development on the streetscape.
2. Prior to the commencement of works (including site preparation), the applicant is to prepare a dilapidation report covering infrastructure within the road reserve to the requirements of the City of Darwin, to the satisfaction of the consent authority.
3. 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 underground 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 the site levels and stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected to the underground system.
4. Prior to the commencement of works (including site preparation), the applicant is to prepare an environmental and construction management plan to the requirements of the City of Darwin, to the satisfaction of the consent authority. The plan is to address waste management, traffic control, haulage routes, storm water drainage, use of City of Darwin land; and how this land will be managed during the construction phase.

GENERAL CONDITIONS

5. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
6. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electrical facilities, and telecommunication networks to the development shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.
7. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant authority to the satisfaction of the consent authority.
8. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement of site is to be created.
9. 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. 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, to the satisfaction of the consent authority.

10. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.
11. Prior to the use/occupation of the development and connection of services (i.e. power and water), the owner of the land must apply for unit/street addressing from the Surveyor-General of the Northern Territory. This will form the legal address and will be required to be placed on the doors and meters within the development in accordance with the allocation. The use of the development cannot commence until such time as addressing is obtained.
12. Confirmation shall be provided to Development Assessment Services (in the form of an email addressed to the Power and Water Corporation) from a suitable qualified professional (being the Licensed Surveyor in most instances) confirming that all new unit title number labels have been correctly installed at the Customer's Metering Panel(s) and water meters (where applicable). Please provide a copy of an email addressed to both landdevelopmentnorth@powerwater.com.au and powerconnections@powerwater.com.au.
13. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the consent authority.
14. All air conditioning condensers (including any condenser units required to be added or replaced in the future) 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.
15. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed to service ducts or otherwise hidden from view to the satisfaction of the consent authority.
16. 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.
17. 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.
18. 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.
19. Before the occupation of the development starts, the areas set aside for the parking of vehicles and access lanes 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.
20. Appropriate soil erosion, sediment and dust control measures must be effectively implemented throughout the construction stage of the development and all disturbed soil surfaces must be suitably stabilised against erosion at completion of works, to the satisfaction of the Consent Authority.

NOTES

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (powerdevelopment@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. All street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction, shall be replaced, to the satisfaction of City of Darwin. A Tree Protection Zone (TPZ) shall be constructed for all existing trees to be retained within the development, in accordance with Australian Standards – AS 4970-2009 Protection of Trees on Development Sites.
3. A "Permit to Work Within a Road Reserve" is required from the Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics and City of Darwin before commencement of any work within the road reserve.
4. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority'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.
5. This development does not grant "building approval". The Building Code of Australia requires that certain structures within 900mm of a boundary meet minimum fire resistance level requirements and you are advised to contact a registered private building certifier to ensure that you have attained all necessary approvals before commencing works.
6. Notwithstanding the approved plans, any proposed works (including landscaping and awnings) within the City of Darwin's road reserve is subject to approval and shall meet all requirements to the satisfaction of the City of Darwin, at no cost to the relevant agency.
7. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Nomination Form. Payment of any levy must be made prior to the commencement of any construction activity. NT

Building should be contact via email (info@ntbuild.com.au) or by phone (08 8936 4070) to determine if the proposed works are subject to the Act.

8. The loads of all trucks entering and leaving the site of works are to be constrained in such a manner as to prevent the dropping or tracking of materials onto streets. This includes ensuring that all wheels, tracks and body surfaces are free of mud and other contaminants before entering onto the sealed road network. Where tracked material on the road pavement becomes a potential safety issue, the Developer will be obliged to sweep and clean material off the road.

REASONS FOR THE RECOMMENDATION

That, the Development Consent Authority determine to vary the requirements of and 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme

1. 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. The Northern Territory Planning Scheme applies and the land is within Zone MD (Multiple Dwelling). The application proposes a multiple dwelling development which is consistent with the primary purpose of Zone MD in providing for a range of housing options to a maximum height of two storeys above ground level.
2. Clause 6.5.3 (Parking Layout) ensures that a car parking area is appropriately designed, constructed and maintained for its intended purpose. Whilst it is noted that the width of the driveway adjacent to Unit 1 is narrowed slightly from 6 metres to 5.8 metres to allow for improvements to building design and reduce the unnecessary amount of car parking area, the non-compliance is considered minor given the overall improved amenity of the development. Further, written advice from BGG Group Engineers have confirmed that the driveway area is appropriately designed and compliant with Australian Standards and the NT Planning Scheme has been provided.
3. Clause 7.1 (Residential Density Limitations) ensures that residential development is of a density compatible with the existing and planned provision of reticulated services and community facilities which will service the area; and consistent with land capability having regard to relevant characteristics including but not limited to the drainage, slope, seasonal inundation, landforms or soil characteristics, heritage constraints or noise from aircraft operations. Under this clause, multiple dwellings in Zone MD are required to provide a maximum density of 1 dwelling per 300m². A total of three (3) units have been provided on site with each lot being 296m², which falls short of the 300m² required for each lot.

The shortfall of 12 square metres is of a minor nature and is unlikely to be physically or visually noticed given the extent of consideration in maximising the design and use of space on the site and the compliant provision of private open space to the overall development.

The development is considered to be fully compliant with Clause 6.5.1 (Parking Requirements), Clause 7.1.2 (Residential Height

Limitations), Clause 7.5 (Private Open Space), 7.7 (Landscaping for Multiple Dwellings, Hostels and Supporting Accommodation), and Clause 7.8 (Building Design for Multiple Dwellings, Hostels and Supporting Accommodation).

The non-compliances are considered to be minor particularly with the minor deviation to the parking layout and building setbacks. The development is consistent with the objectives of Zone MD (Multiple Dwelling Residential) and whilst the development is generally compliant with the majority of the NTPS, the development is considered to be of a suitable bulk and scale in the context of the locality. As such, the consent may consent to a development that is not in accordance with the density requirements for the site if it is satisfied that compliance with other aspects of the NTPS indicates that the density is appropriate.

4. Clause 7.3 (Building Setbacks of Residential Buildings) is to ensure residential buildings and ancillary structures are located so that they are compatible with the streetscape and surrounding development including residential buildings on the same site; minimise any adverse effects of building massing when viewed from adjoining land and the street; avoid undue overlooking of adjoining properties; and encourage breeze penetration through and between buildings. The current proposal has sought a reduction in the front setback to achieve greater compliance for Clauses 6.5.1 (Parking Requirements), 6.5.3 (Parking Layout) and private open space requirements under Clause 7.5 (Private Open Space) of the NTPS. Consequently, the carport for Unit 1 is setback 3.38 metre and encroaches onto the 4.5 metre front setback with a variation of 1.116 metres. Further, the external wall of Unit 1 is setback 5.097 metre to the front setback and encroaches onto the 6 metre setback being a variation of 0.903 metre.

Units 2 and 3 have demonstrated full compliance with the setback requirements. Whilst the original proposal complied with the front setbacks, the variation to this requirement in the current proposal has achieved greater compliance with the private open space provisions of the development. The applicant has provided justification in seeking the variation whereby the front setbacks has been reduced to allow the development to shift forward towards Gleneagles Crescent and increase the private open space at the rear of Units 2 and 3.

5. Pursuant to Section 51(j) of the *Planning Act*, the consent authority must take into consideration the capability of the land to which the proposed development relates and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.
6. Pursuant to section 51(m) of the *Planning Act*, the consent authority must take into account 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. No land capability issues were identified during assessment of the application. Conditions

precedents on the development permit require a dilapidation report, schematic plan, and a construction management plan. It is anticipated that these measures, combined with standard conditions relating to the connection and upgrade of utility services and the provision and treatment of easements, are expected to ensure that the land is developed in accordance with physical capabilities, to address concerns raised by service authorities, and to ensure that utility and infrastructure requirements are appropriately addressed.

7. Pursuant to Section 51(n) of the *Planning Act*, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated. The land is zoned to accommodate the proposed multiple dwelling development in that the development is considered to meet the purpose of Zone MD (Multiple Dwelling) in providing for a range of housing options to a maximum height of two storeys above ground level. Although a number of variations are proposed the siting and mass of the built form is expected to be equivalent to that of a compliance building and the building presents a high quality interface and limited service provision to the Gleneagles Crescent No undue amenity impacts have been identified in determination of the application.

ACTION: Notice of Consent and Development Permit

**ITEM 4
PA2017/0352**

**RE-SUBDIVISION OF AN EXISTING UNIT TITLE SCHEMES SUBDIVISION TO
CREATE ONE ADDITIONAL UNIT
UNIT 9404 (12) SALONIKA STREET, TOWN OF DARWIN
MASTERPLAN (NT)**

APPLICANT

Jack Priestley, Simon Tonkin, Tim Jacobs, Susan Sing (applicant), John Brears, Scott Perkins, Kerry Osbourne, Dean Osbourne, Mark Monaghan, Garry Edwards (submitters) and David Burrow and James Whyte (City of Darwin) attended.

**RESOLVED
164/17**

That, pursuant to section 46(4)(b) of the Planning Act, the Development Consent Authority defer consideration of the application to develop Unit 9404 (12) Salonika Street, Town of Darwin for the purpose of a re-subdivision of an existing unit title schemes subdivision to create one additional unit, to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

1. Landowner's authorisation from the Body Corporate of The Avenue Principal Unit Title Scheme.

REASONS FOR THE RECOMMENDATION

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 consideration of the proposal.

ACTION: Letter of Deferral

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**ITEM 5
PA2017/0353**

**SUBDIVISION TO CREATE ONE LOT FROM AN EXISTING UNIT TITLE
SCHEMES SUBDIVISION**

APPLICANT

**LOT 9404 (12) SALONIKA STREET, TOWN OF DARWIN
MASTERPLAN (NT)**

Jack Priestley, Simon Tonkin, Tim Jacobs, Susan Sing (applicant), John Brears, Scott Perkins, Kerry Osbourne, Dean Osbourne, Mark Monaghan, Garry Edwards (submitters) and David Burrow and James Whyte (City of Darwin) attended.

**RESOLVED
165/17**

That, pursuant to section 46(4)(b) of the Planning Act, the Development Consent Authority defer consideration of the application to develop Unit 9404 (12) Salonika Street, Town of Darwin for the purpose of a subdivision to create one lot from an existing unit title schemes subdivision, to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

1. Landowner's authorisation from the Body Corporate of The Avenue Principal Unit Title Scheme.

REASONS FOR THE RECOMMENDATION

2. 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 consideration of the proposal.

ACTION:

Letter of Deferral

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



**SUZANNE PHILIP
Chair**

29/9/17