

DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

HEARING No. 238 – FRIDAY 22 AUGUST 2014

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

MEMBERS PRESENT: Denis Burke (Chairman), Grant Tambling, Ross Baynes, Garry Lambert and Bob Elix

APOLOGIES: Nil

OFFICERS PRESENT: Nicole Negrete (A/Secretary), Sally Cunningham, Anthony Brennan, Dawn Parkes, Adelle Godfrey (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Hearing opened at 9.30 am and closed at 12.00

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 **97 X 1 & 110 X 2 BEDROOM DWELLINGS, 135 SERVICED APARTMENTS**
PA2014/0471 **(INCLUDING 67 DUAL KEY), RESTAURANT/SHOPS/OFFICES WITH 4 CAR PARK**
LEVELS IN AN 18 STOREY BUILDING WITH 2 TOWERS
LOT 8073 (3) DALY STREET, TOWN OF DARWIN
APPLICANT **NORTHERN PLANNING CONSULTANTS**

Brad Cunnington (Northern Planning Consultant), Colin Brown and Mozes Johan (Architect) attended.

Paula Pellegrini (in representation of Jonelle Patton), Sharyn Innes and Peter Ward (submitters) attended.

RESOLVED
188/14

That, the Development Consent Authority vary the requirements of Clause 6.3.2 (Volumetric Control in Central Darwin) 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 8073 (3) Daly Street, Town of Darwin for the purpose of 97 x 1 and 110 x 2 bedroom dwellings, 135 serviced apartments (67 dual-key), restaurant/shops/offices with 4 car park levels in an 18 storey building with 2 towers, subject to the following conditions:

GENERAL CONDITIONS:

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to include:
 - a. Removal of the vertical blades from level 1 to level 4 that protrude over City of Darwin Land; or
Written confirmation from City of Darwin that the vertical blades referred to above has received Council approval; and
 - b. Redesign of the ingress and egress arrangements so that ingress will only be permitted from Mitchell Street and ingress and egress will be permitted from Doctors Gully Road; or
Written confirmation from City of Darwin that an alternative arrangement to that referred to above has received Council approval; and
 - c. Directional signs and road markings to clearly indicate the location and operation of the car parking spaces associated with the ground level commercial uses on site; and
 - d. Landscaping plan for the verge that meets the requirements of the City of Darwin; and
 - e. The locations of all roof top plant equipment, equipment relating to the operation of the lift, aerials, ventilation equipment and ducting and any other equipment that will be placed on the rooftop of the development. The equipment shall be appropriately screened or designed to soften the visual impact of such

equipment from view from neighbouring or nearby developments (or developments reasonably anticipated).

To the satisfaction of the consent authority.

2. Prior to the endorsement of plans and prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Darwin 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. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system. '
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 is to include details of the haulage of excavated and new materials, traffic management for construction vehicles, fencing and hours of construction.
4. Prior to the endorsement of plans and prior to the commencement of works (including site preparation) the applicant is to prepare a waste management plan in accordance with Council's Waste Management Policy 054, 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 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 also take into consideration the development currently under construction at Lot 7619 (105) Mitchell Street Town of Darwin. 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.
6. Prior to the endorsement of plans and prior to the commencement of works (including site preparation) the applicant is to provide written advice from a suitably qualified person confirming that the parking layout generally complies with clause 6.5.3 of the NTPS and Australian Standards where relevant.

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. All works recommended by the Traffic Impact Assessment report are to be completed to the requirements of the City of Darwin, to the satisfaction of the consent authority.

9. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage, electricity and telecommunications facilities to the development 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. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the Council, to the satisfaction of the consent authority.
12. 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.
13. 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.
14. Before the use or occupation of the development starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat; and drained;to the satisfaction of the consent authority.
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
15. Car parking spaces set-aside for the ground level commercial uses on site must be clearly sign marked and kept available for these purposes at all times.
16. 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.
17. 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.
18. 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.

19. 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 and from view of neighbouring or nearby developments (or developments reasonably anticipated), 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. The use of angled louvered slats for screening purposes is acceptable, however the slat screening must be designed with a panel to gap ratio, such that the condenser units are not readily visible from any angle.
20. 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 NT Fire and Emergency Services.
21. 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.
22. 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.
23. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.
24. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
25. Each dual-key dwelling is to remain within the one unit entity (single ownership/single title) in the event that the development is unit titled.

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 as approved by the Development Consent Authority (DCA) achieves a level of active interface deemed by the authority to provide approximately 80% of the length of the site boundary at ground level as active street frontage. Retaining this level of active frontage is considered by the DCA to be essential to this development achieving the purpose of clause 6.3.3 (Urban Design Requirements in Central Darwin). Any reduction in the percentage of active street frontage is unlikely to be supported, and will require full consideration by the DCA at a meeting of the authority. Refer to "Design

guidance to achieve active frontages and provide for services” for advice to active street frontages in relation to service authority requirements.

3. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to the City of Darwin.
4. Notwithstanding the approved plans, the demonstrated awning in City of Darwin’s road reserve is subject to Council approval at no cost to Council.
5. Notwithstanding the approved plans, any proposed works (including landscaping and structures) within Council’s road reserve and Council land is subject to Council’s approval and shall meet all Council’s requirements, to the satisfaction of the General Manager of Infrastructure, City of Darwin and at no cost to Council.
6. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority’s Noise Guidelines for Development Sites in the Northern Territory. 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.
7. There are statutory obligations under the Water Act that a person must not cause water to become polluted. The Northern Territory Environment Protection Authority advises that the excavated pit required for the basement level may fill up with turbid sediment laden stormwater, and the proponent must ensure that any pit-water to be discharged from the development is sufficiently treated to ensure that any receiving waterway (including the underground stormwater system) is not polluted.
8. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities
9. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from Department of Land Resource Management.
10. Approval must be submitted to the Department of Defence for any cranes used during construction that will infringe on either the Obstacle Limitation Surfaces (OLS) or Procedures for Air Navigation – Operations (PAN-OPS) surfaces for Darwin Airport.
11. The developer is required to contact ‘Dial Before You Dig’ on 1100 to obtain a location of the Telstra Network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.

REASONS FOR THE RECOMMENDATIONS:

1. The proposal is consistent with the primary purpose of zone CB (Central Business), being “to provide for a diversity of activities including administrative, judicial, professional, office, entertainment, cultural, residential, retail and other business activities, with a commitment to the separation of incompatible activities”.
2. A variation to the requirements of clause 6.3.2 (Volumetric Control in Central Darwin) of the Northern Territory Planning Scheme to allow a building length to the Mitchell Street side boundary that covers 75.65% of the boundary instead of the permitted 75% and a distance between Tower 1 and Tower 2 of 11.76m instead of the required 12m is considered acceptable. The non-compliances are minor and unlikely to be noticeable to any occupant of an adjoining or nearby building or land, and will not impact, in any real way, on access to views to Darwin harbour or on access to daylight and breezes. Additionally, the podium height at 16m is well below the maximum allowed, and should more than offset the minor non-compliances described above.
3. A variation to the requirements of clause 7.5 (Private Open Space - POS) of the Northern Territory Planning Scheme is considered acceptable as the proposal provides an efficient design solution cognisant of the intended use, with the 2 bedroom multiple dwellings providing compliant POS and the 1 bedroom/studio dwellings providing smaller POS areas that are a direct extension of the indoor living areas, providing a useable space for future residents, the majority of which also enjoy reasonable views to Darwin harbour or the podium level pool deck/open space area. The reduced private open space provided to the serviced apartments is considered acceptable on the basis that they operate in a similar manner to that of a motel (where there is no requirement for private open space), and that the use caters to short term guests.
4. Pursuant to section 51(e) of the Planning Act, the consent authority must take into account any submissions made under section 49 in relation to the development application. Eleven submissions were received which raised concerns with the proposal, particularly in regard to amenity impacts, parking and ground level traffic circulation, private open space areas, general building design and commercial need for the proposal. It is considered reasonable to assess the dual-key serviced apartments as a single serviced apartment and apply the standard NT Planning Scheme rate, and on this basis the proposal provides the required parking bays. Condition 1 on the development permit is expected to result in the ground level traffic circulation being to the requirements of City of Darwin. The private open space areas provided are considered an efficient and acceptable design solution cognisant of the intended future use of the respective dwellings, and the overall design of the building generally complies with the provisions of the NT Planning Scheme.
5. 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 proposal is for construction of a new mixed use serviced apartment and multiple dwelling building, and the development is considered to be suitable for the area and the site. It is acknowledged that there

is likely to be some level of impact on the adjoining and nearby residents, however the impact is not expected to be unreasonable given the context of the land being located in zone CB where this type of development is envisaged. The proposal provides an appropriate building height, setbacks and on-site car parking, together with a podium level height lower than the height permitted by the Scheme for this site. These factors combined demonstrates consideration for the existing and future amenity of adjoining properties, and a building design that optimises available CB zoned land without resulting in undue overlooking and loss of views. The level of compliance achieved with the zone CB Planning Scheme controls and other requirements of the Scheme are considered to demonstrate that the development is suitable for the site without significantly compromising the existing and future amenity of the area.

6. A traffic impact assessment report, in accordance with the Austroads document 'Guide to Traffic Management Part 12: Traffic Impacts of Developments' is required in order to demonstrate that the development can be supported without undue impact on the site and locality. The consent authority specifically requests that a traffic impact assessment report be undertaken that relates to the proposed development, and that consideration is given to the development currently under construction at Lot 7619 (105) Mitchell Street Town of Darwin.
7. 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 the local underground stormwater system, to the appropriate standards, and to ensure that no stormwater will sheet-flow into the road reserve or onto adjoining properties.
8. In accordance with the requirements of section 51(m) of the Planning Act, consideration has been given to all comments received from service authorities, with all relevant matters addressed through conditions or notes on the development permit, thereby ensuring that an appropriate level of service is maintained for the site and surrounding locality.
9. The design of the building at ground level ensures an active street frontage by limiting the services at street level to a small fire service node on the Mitchell Street frontage and electrical substation on the Doctors Gully Road frontage. The glass curtain walls at ground level as well as the al fresco dining area and pedestrian mall ensures street level activity and visual connection with the indoor commercial uses and restaurant activity on the ground level.
10. The design of the building minimises the expanses of blank walls by varying building heights, building setbacks and facades. The green wall elements of the façade adjacent to Lot 9121 (10) Doctors Gully Road Town of Darwin ensure that the development does not unreasonably affect the use and enjoyment of adjacent land.

ACTION:

Notice of Consent and Development permit

ITEM 2
PA2014/0502

**13 X 2 BEDROOM MULTIPLE DWELLINGS IN A SIX STOREY BUILDING
INCLUDING GROUND LEVEL CAR PARKING AND ROOF TOP COMMUNAL
OPEN SPACE**

APPLICANT

**LOT 1240 (9) MALABAR COURT, TOWN OF DARWIN
NORTHERN PLANNING CONSULTANTS**

Brad Cunnington (Northern Planning Consultants) attended.

Greg Mann (submitter) attended.

RESOLVED
189/14

That, pursuant to section 53(a) of the Planning Act, the Development Consent Authority consent to the application to develop Lot 1240 (9) Malabar Court, Town of Darwin for the purpose of 13 x 2 bedroom multiple dwellings in a six storey building including ground level car parking and roof top communal open space, 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) The provision of additional landscaping (minimum 13.25m²) at ground level, or located in such a way that it complements and enhances the streetscape as per the requirements of clause 7.7 (Landscaping for Multiple dwellings...); and
 - (b) Written confirmation that the car parking bays still meet the Australian minimum standard where the columns encroach the bays.
2. Prior to the endorsement of plans and prior to commencement of works (including site preparation), approval for the building and sewerage easement arrangement must be obtained from Power and Water, 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 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.
4. Prior to the endorsement of plans and prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Darwin stormwater drainage system shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority.

5. Prior to the commencement of works (including site preparation), the applicant is to prepare an Environmental and Construction Management Plan (ECMP), to the requirements of the City of Darwin and Department of Transport, to the satisfaction of the consent authority. The ECMP is to address waste management, storm water drainage, how construction will be managed on the site, and is to include details of the haulage of excavated and new materials, parking of construction vehicles and traffic management for construction vehicles, ensuring that Mitchell Street is kept clear at all times.
6. Prior to the commencement of works, a waste management plan addressing the City of Darwin's Waste Management Policy 054 must be prepared to the requirements of the City of Darwin, to the satisfaction of the consent authority.

GENERAL CONDITIONS:

7. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
8. The use and development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
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, drainage, sewerage, electricity facilities and telecommunication networks to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
11. Before the use 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) line marked to indicate each car space; and
 - (e) drainedto the satisfaction of the consent authority.
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
12. 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.
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. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of City of Darwin, to the satisfaction of the consent authority.

15. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways;
 - (c) collect stormwater and discharge it to the drainage network; and
 - (d) undertake reinstatement works;all to the technical requirements of and at no cost to the City of Darwin, to the satisfaction of the consent authority.
16. 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.
17. 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.
18. 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.
19. 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 and from view of neighbouring or nearby developments (or developments reasonably anticipated), 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. The use of angled louvered slats for screening purposes is acceptable, however the slat screening must be designed with a panel to gap ratio, such that the condenser units are not readily visible from any angle.
20. 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.
21. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the building.
22. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the relevant service authority, to the satisfaction of the consent authority.
23. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

NOTES:

1. This permit will expire if one of the following circumstances applies:
 - a) the development 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. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from Department of Land Resource Management.
3. 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.
4. City of Darwin advises that:
 - (a) 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; and
 - (b) in accordance with City of Darwin By-Laws, prior to occupation, the applicant shall ensure that a building number is displayed in a position clearly visible from the street.
5. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities
6. 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.
7. 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.

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 proposed development of 13 x 2 bedroom multiple dwellings in a six storey building including ground level car parking and roof top communal open space is consistent with the primary purpose of Zone HR (High Density Residential), which is to provide high density housing options close to major roads, schools and other community facilities. The development is considered to be of a scale, character and architectural style reasonably anticipated on this site given its zone and zoning of surrounding properties.

- A variation to Clause 6.5.3 (Parking Layout) for width of the car parking bays will be accepted on submission of written confirmation on amended plans that the car parking bays still meet the Australian minimum standard where the columns encroach the bays. A variation to this clause for the Malabar Court setback from 3m to 2.5m, and to the Mitchell Street setback from 3m to 1.67m, is considered acceptable given that the car parking area can still be adequately screened by landscaping that will lessen the visual impact of the car parking area (refer to landscape plan SK110) and that a condition on the development permit will ensure that the landscaping is maintained in accordance with the endorsed plans, to the satisfaction of the consent authority.

- A variation to Clause 7.1.1 (Residential Density Limitations) is supported as although the proposal does not meet the numerical requirements of the clause, it does still meet the purpose of the clause. With regards to reticulated services, Power and Water requested a number of actions the developer needs to take but did not object to the proposed development. With regards to land capability, the Department of Land Resource Management did not identify any issues of concern with the proposed development. Furthermore, given the site's close proximity to the CBD and that adequate parking and open space has been provided on site, the proposed development is considered to be compatible with community facilities that service the area and is unlikely to place any extra demand on these services.

- A variation to Clause 7.3 (Building Setbacks of Residential Buildings) for the Malabar Court boundary is considered acceptable as the impact will be minor considering the non-compliance exists for just 3.4m of the total building length. Furthermore, the reduced setback will not result in undue overlooking of adjoining properties as it faces the street and is 20m+ from the opposite building; is unlikely to affect breeze penetration through and between buildings as the non-compliance is just 600mm; contributes to minimising building massing as it breaks up the straight line of the building; and does not impact on the building's compatibility with the streetscape. The reduced Mitchell Street boundary setbacks are supported as the encroachment is minimal due to the limited built form of the columns and they are considered to add interest and variety to the façade. The reduced setbacks of the ground floor shade sail structures are also supported as they have a specific purpose in that they are to provide shade for the parked vehicles and as such need to be located accordingly. The purpose of the clause is still achieved and they are unlikely to impact on adjoining land due to their limited height and minimal form.

- Having considered the required variation to Clause 7.3.1 (Additional Setback Requirements for Residential Buildings...) the Authority determined to support the variation given that the proposed development ensures that the purpose of the clause, which is *to minimise any adverse effects of building massing and visual bulk when viewed from adjoining land and the street*, is achieved through the articulation of the building and varied façades rather than through additional setbacks. Furthermore, it is considered that complying with the additional setbacks will have little impact on the massing and visual bulk of the proposed development as the impact is above the ground level and therefore outside of 'the human scale'.

- A variation to Clause 7.5 (Private Open Space) is supported as the affected balconies measure 16m² which is in excess of the 12m² requirements. A 100mm shortfall on the dimension of the balcony is not considered to compromise the provision of the open space.

•A variation to Clause 7.7 (Landscaping for Multiple Dwellings...) is not supported as although 28.5% of the site is considered to be landscaped, only 16.4% of the site is landscaped at ground level. Given that the purpose of the clause is in part *to ensure that landscaping...complements and enhances the streetscape*, the 13.25m² shortfall should be provided for at ground level or by other practical means (vertical green walls, planter boxes etc.) so that it complements and enhances the streetscape as per the purpose the clause.

2. Pursuant to Section 51(e) of the Planning Act, the consent authority must take into consideration any public submissions made under section 49, and any evidence or information received under section 50, in relation to the development application.
Five public submissions were received during the exhibition period under Section 49 of the Planning Act with respect to the proposal. Four submissions were received from owners/residents of adjacent lot 1232 who were mostly concerned with the height and massing of the proposed development and the impact on overlooking, breeze penetration, increased traffic and the amenity of the immediate and surrounding area. The proposed development is consistent with existing and anticipated future development in the high density residential area. A number of condition precedents and standard conditions have been included on the permit and are expected to help address the submitters concerns.
3. 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 to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development. The land is zoned HR (High Density Residential) and in accordance with Table D to Clause 7.11 can accommodate a range of development up to 8 storeys in height. The proposed density does exceed the numerical allowance for a six storey building but the land is considered capable of supporting the proposed development. Department of Land Resource Management did not raise any concerns with land capability and Power and Water advised that the proposed development can be serviced.
4. 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. Condition Precedents on the development permit require: an environmental and construction management plan, a waste management plan, a schematic stormwater plan and confirmation from Power and Water for the location of the realigned sewerage easement. 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; address concerns raised by service authorities; and, ensure utility and infrastructure requirements are appropriately addressed.

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. It is reasonable to expect that the proposed development will impact on the existing amenity of the area in terms of increased traffic and a higher density of living than the area is used to. In saying this, the proposed development is considered to meet the purpose of Zone HR (High Density Residential) and the non-compliances are not considered to further affect the potential impact on the existing or future amenity of the area.
6. Amended plans have been requested to ensure compliance with Clause 7.7 (Landscaping for Multiple Dwellings...) and more specifically to ensure that the proposed landscaping complements and enhances the streetscape.
7. Approval from Power and Water for the location of the sewerage easement is required to ensure that any changes do not impact on the proposal's assessment against the NT Planning Scheme.
8. A Traffic Impact Assessment report has been requested to investigate any traffic issues and opportunities and to identify any necessary upgrades to the street network as a result of the implications of the development.
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 onto adjoining properties.
10. An Environmental and Construction Management Plan (ECMP) is required to ensure that appropriate procedures are in place to mitigate environmental impacts during the construction phase of the project.
11. A Waste Management Plan is required to ensure that the proposed development complies with City of Darwin's Waste Management Policy 054.

ACTION:

Notice of Determination

**ITEM 3
PA2014/0460
APPLICANT**

**12 X 2 BEDROOM MULTIPLE DWELLINGS IN A 4 STOREY BUILDING WITH
GROUND LEVEL CARPARKING
LOT 1986 (3) CORONATION DRIVE, TOWN OF DARWIN
DKJ PROJECTS ARCHITECTURE**

Adam Walker (DKJ Projects Architecture) attended.

**RESOLVED
190/14**

That the Development Consent Authority vary the requirements of clause 7.1.1 (Residential Density Limitations) and clause 7.3.1 (Additional Setback Requirements for Residential Buildings Longer than 18m and for Residential Buildings Over 4 Storeys in Height) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application to develop Lot 1986 (3) Coronation Drive, Town of Darwin, for the purpose of 12 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 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.

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 and telecommunication networks to the land shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.
6. The kerb crossover and driveway 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.
7. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways;
 - (c) collect stormwater and discharge it to the drainage network; and
 - (d) undertake reinstatement works;All to the technical requirements of, and at no cost to, the City of Darwin, and to the satisfaction of the consent authority.
8. 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.
9. 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.

10. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
11. 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.
12. 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.
13. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.
14. All balconies are to be internally drained and discharge is to be disposed of at ground level and in a manner consistent with stormwater disposal arrangements for the site to the satisfaction of the consent authority.
15. Soil erosion and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
16. 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. This permit will expire if one of the following circumstances applies:
 - (a) the development 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. Power and Water Corporation advise that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and the Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of one month prior to construction works commencing to determine servicing requirements and the need for upgrading of infrastructure.
3. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites in the Northern Territory. 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.

4. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities
5. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from Department of Land Resource Management.

REASONS FOR THE RECOMMENDATION:

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 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 and no other site constraints have been identified that would limit the capability of the site to physically accommodate the proposal. Power and Water Corporation (PWC) have no objections to the proposal subject to the owner upgrading the surrounding infrastructure as required by PWC and at no cost to PWC. Given the degree of compliance with the remaining planning scheme clauses, and no infrastructure or land capability issues have been identified, the design is showing that the land is capable of accommodating the proposed density without any significant impacts on the current or future of amenity of the area. The minor degree of non-compliance against this clause when seen in the context of the overall level of compliance and design merit can be considered a special circumstance to warrant consent. On balance, it is considered that the proposal does not represent an overdevelopment of the site and a variation to this clause is acceptable.
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 areas of non-compliance are minor and limited to small portions of the front and side balconies as well small portions of the bedrooms at the rear of the buildings. Seen in context with existing development in the vicinity it is considered that the level of non-compliance does not create, in any real way, adverse effects of building massing and visual bulk when viewed from adjoining land and the street as per the purpose of clause. 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, will not result in any overlooking of adjoining properties, and will not affect breeze penetration.
4. 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. One submission was received raising concerns with the proposal particularly in regard to density and setbacks. Where the proposal seeks variations to the requirements of the planning

scheme it has been demonstrated that the purpose of these clauses has been met.

5. 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.
6. 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.

ACTION: Notice of Determination

ITEM 4 **EXTENSION OF TIME – EXTEND DP10/0817 FOR A PERIOD OF 3 YEARS**
PA2010/1244 **LOT 2255 (19) HINKLER CRESCENT, TOWN OF DARWIN**
APPLICANT **MARCO CESCA**

Marco Cesca (applicant) attended

RESOLVED That, pursuant to Section 59(3)(a) of the Planning Act, the Development
191/14 Consent Authority consent to the proposal to extend the base period of DP10/0817
for an additional period of 2 years

ACTION: Notice of Consent and Development Permit

ITEM 5 **24 X 1 AND 16 X 2 BEDROOM MULTIPLE DWELLINGS IN A 9 STOREY**
PA2014/0346 **BUILDING WITH GROUND LEVEL COMMERCIAL SPACE AND 3**
LEVELS BASEMENT CARPARK
APPLICANT **LOT 1423 (44) WOODS STREET, TOWN OF DARWIN**
RANDAL ASHFORD

Brad Cunnington (Northern Planning Consultants) in representation of applicant Randal Ashford, attended.

RESOLVED That, the Development Consent Authority vary the requirements of Clause 6.3.2
192/14 (Volumetric Control in Central Darwin), 6.3.3 (Urban Design Requirements in
Central Darwin), 6.5.3 (Parking Layout) and 6.6 (Loading Bays) of the Northern
Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent
to the application to develop Lot 1423 (44) Woods Street, Town of Darwin for the
purpose of the 24 x 1 and 16 x 2 bedroom multiple dwellings in a 9 storey building
with ground level commercial space and 3 levels of basement car parking, subject to
the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), the applicant/developer is to submit correspondence from the Power and Water Corporation confirming that the service infrastructure locations shown on plan SK204 are acceptable for the proposed development.
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a schematic plan demonstrating all stormwater can be collected on the site and discharged to Council's stormwater drainage system, to the requirements of City of Darwin, to the satisfaction of the consent authority.
3. Prior to the commencement of 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.
4. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a 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.
5. 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:

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 and electricity facilities to the development 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. 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) 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.
10. 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/guests.
11. Before the use commences the owner must, in accordance with Part 6 of the Planning Act, pay a monetary contribution to the City of Darwin for the upgrade of local stormwater infrastructure, in accordance with its Stormwater Contribution Plan.
12. 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.
13. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
14. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin to the satisfaction of the consent authority.
15. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/cycleways;
 - (c) collect stormwater and discharge it to the drainage network; and
 - (d) undertake reinstatement works;all to the technical requirements of and at no cost to the City of Darwin and/ or the Road Networks Division of the Department of Transport, to the satisfaction of the consent authority.
16. 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.
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. 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.
19. All air conditioning condensers are to be appropriately screened from public view and from view of neighbouring or nearby developments (or developments reasonably anticipated), 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. Louvered slat screening is acceptable, however the slat screening must be angled and have an acceptable panel to gap ratio such that the condenser units are not readily visible from any angle.
20. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

NOTES:

1. The Power and Water Corporation advises that the 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. Notwithstanding the approved plans, any proposed works (including landscaping and structures) within Council's road reserve and Council land is subject to Council's approval and shall meet all Council's requirements, to the satisfaction of the General Manager of Infrastructure, City of Darwin and at no cost to Council.
3. Notwithstanding the approved plans, the demonstrated awning in the City of Darwin's road reserve is subject to Council approval at no cost to Council.
4. 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.
5. Approval must be submitted to the Department of Defence for any cranes used during construction that will infringe on either the Obstacle Limitation Surfaces (OLS) or Procedures for Air Navigation – Operations (PAN-OPS) surfaces for Darwin Airport.
6. Separate approval may be required from the Department of Defence under regulation 10 of the Defence (Areas Control) Regulations (DACR). Until such time as an approval is obtained the applicant is not to construct any structure

on the site that exceeds 45m above ground level. Please refer to regulation 8 of the DACR, which outlines the application process and the information required. A copy of the regulation can be obtained at <http://www.comlaw.gov.au>.

7. The developer is required to contact 'Dial Before You Dig' on 1100 to obtain a location of the Telstra Network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.
8. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities
9. There are statutory obligations under the Water Act that a person must not cause water to become polluted. The Northern Territory Environment Protection Authority advises that the excavated pit required for the basement level may fill up with turbid sediment laden stormwater, and the proponent must ensure that any pit-water to be discharged from the development is sufficiently treated to ensure that any receiving waterway (including the underground stormwater system) is not polluted.

REASONS FOR THE RECOMMENDATIONS

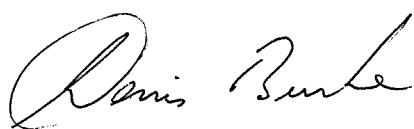
1. The proposal is consistent with the primary purpose of zone CB (Central Business), being "to provide for a diversity of activities including administrative, judicial, professional, office, entertainment, cultural, residential, retail and other business activities, with a commitment to the separation of incompatible activities". The development incorporates both commercial space and residential dwellings with a design that provides suitable separation between uses.
2. A variation to the Tier 2 requirements of Clause 6.3.2 (Volumetric Control in Central Darwin) is considered acceptable in this instance as the proponent has provided a number of reasons and justifications for the design and resultant non-compliances. Central to the proponent's justification for the non-compliant design is the desired retention of the basement car parking levels. It is acknowledged that inclusion of almost all car parking underground shows merit and significantly improves the appearance of the development in terms of its interaction with the public realm, not to mention the benefits of encouraging passive surveillance of the public areas around the site. The increased height of the building is also contributed to by provision of a generous floor-to-ceiling ground floor height with retention of this feature considered to result in significantly greater benefit which might outweigh any potential impact caused by the non-compliant height/setbacks. The open nature of most structures located above the podium level are considered unlikely to impact on view lines and access to breezes any more than a fully compliant building. Finally, requiring the non-compliant parts of the building to be setback as required by the Scheme would significantly impact on the design of the building and the 'specific emphasis on the angled vertical architectural elements' that are key to its design. As is demonstrated in the additional information provided by the

proponent, the building as proposed is compatible with the existing architectural style, scale and general height of other existing buildings in the immediate area.

3. A variation to the requirements of Clause 6.3.3 (Urban Design Requirements in Central Darwin) is considered appropriate. Overall, the design of the building is considered to balance the servicing requirements with the objectives of the Scheme and provides an acceptable response to the purpose of the clause. Aside from the identified non-compliance, the proposal still provides a full length awning to both street frontages to protect pedestrians from the sun and rain, incorporates areas that will allow future alfresco dining and limits the vehicle access to a single entry/exit. Following amendments to the design of service infrastructure, it is considered that the current layout is the only practical solution and the co-location of services achieves the most reasonable percentage of active frontage given the constraints that the size of the land places on any redevelopment.
4. A variation to the requirements of Clause 6.5.3 (Parking Layout) of the NT Planning Scheme to allow some bays to be provided with non-compliant bay dimensions is reasonable given that an appropriate design solution has been provided to ensure the non-compliant bays are still conveniently accessible and functional, as intended by the purpose of the clause.
5. The requirement for written confirmation from the Power and Water Corporation regarding acceptance of service infrastructure locations is considered necessary to ensure that the current level of active frontage shown on Plan SK204 (drawn by Ashford Group) in response to the requirements of Clause 6.3.3 (Urban Design Requirements in Central Darwin) can be achieved and maintained prior to commencement of any site works associated with the development.

ACTION: Notice of Consent and Development permit

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



**DENIS BURKE
CHAIRMAN**

25/08/14