



## **DEVELOPMENT CONSENT AUTHORITY**

### **DARWIN DIVISION**

### **MINUTES**

**MEETING No. 157 – FRIDAY 5 NOVEMBER 2010**

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

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

**APOLOGIES:** Nil

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

**COUNCIL REPRESENTATIVE:** Mr Luccio Cercherelli (Director, Technical Services) and Ms Cindy Robson (Strategic Town Planner) (both Item 8 only)

**Meeting opened at 9.45 am and closed at 1.30 pm**

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

**ITEM 1**                    **4 X 3 BEDROOM MULTIPLE DWELLINGS IN 2 X 2 STOREY BUILDINGS**  
**PA2010/1163**           **LOT 2240 (3) PHILIP STREET, TOWN OF DARWIN**  
**APPLICANT**           **GEORGE SAVVAS**

Mr George Savvas attended and tabled amended plans showing compliance with setbacks except a point 4 encroachment into setbacks on first floor.

**RESOLVED**  
**308/10**

That, the Development Consent Authority determine to vary the requirements of Clause 7.1 (Residential Density and Height Limitations) of the Northern Territory Planning Scheme, and pursuant to Section 53(b) of the *Planning Act*, alter the proposed development and consent to the proposed development as altered to develop Lot 2240 (3) Philip Street, Town of Darwin for the purpose of 4 x 3 bedroom and 2 x 4 bedroom multiple dwellings in 2 x 2 storey buildings subject to the following conditions:

**CONDITION PRECEDENT**

1. Prior to the commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show the proposed method of stormwater collection and its discharge into Darwin City Council's stormwater drainage system.
2. Prior to the commencement of works (including site preparation), a 'Comprehensive Traffic Management Plan' shall be prepared to the satisfaction of the Department of Lands and Planning's Public Transport Division that addresses the ongoing provision of public transport services during construction, to the satisfaction of the consent authority.
3. Prior to the endorsement of plans and commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show the following:
  - a. A revised ground floor plan is to be provided showing setbacks measured correctly from the front boundary and being fully compliant with Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme;

- b. A revised site plan showing the driveway increased in to a minimum of 6 metres width as measured from the outermost projection of the stairwell in Unit 2;
- c. A landscaping plan including a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant; and
- d. An amended site plan showing the inclusion of a 2m x 2m electricity easement on site to the satisfaction of the Power and Water Corporation, to the satisfaction of the consent authority.

#### GENERAL CONDITIONS

- 4. Works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
- 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, gas and telecommunication services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
- 6. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
- 7. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to Darwin City Council, to the satisfaction of the consent authority.
- 8. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Darwin City Council, to the satisfaction of the consent authority.
- 9. The owner shall:
  - (a) Remove disused vehicle and/ or pedestrian crossovers;
  - (b) Provide footpaths/ cycleways;
  - (c) Collect stormwater and discharge it into the drainage network; and
  - (d) Undertake reinstatement works
 All to the technical requirements and at no cost to Darwin City Council to the satisfaction of the consent authority.
- 10. Before the use or occupation of the development starts, the areas set aside for the parking of vehicles 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
  - (d) Drained;
 To the satisfaction of the consent authority.

11. The car parking, access aisle and driveway shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their visitors.
12. 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.
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. 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.
15. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
16. All air conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
17. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council to the satisfaction of the consent authority.

#### **NOTES:**

1. The Developer is advised to contact Telstra at <http://www.telstrasmartcommunity.com/> prior to any work commencing to facilitate the installation of the Telstra network.
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

#### **REASONS FOR DECISION**

1. The proposed development is consistent with the primary purpose of Zone MD (Multiple Dwelling Residential) to provide for a range of housing options to a maximum height of two storeys.
2. A variation to Clause 7.1 (Residential Density and Height Limitations) is considered to be appropriate as the proposed development fully complies with setbacks, height, landscaping and private open space requirements and the subject site is therefore considered to be capable

of accommodating the proposed development. As well as this, the majority of residential development surrounding the subject site comprises multiple dwellings, ranging from two storey to four storey developments, therefore ensuring the proposed development will be consistent with the existing residential amenity of the area.

3. The Department's Public Transport Division requested that a traffic management plan be prepared for the construction phase of this development as the site is on a major inbound public transport service route.
4. A revised ground floor plan and site plan have been requested in order to ensure accurate assessment of the application is able to be carried out in relation to the NT Planning Scheme prior to the endorsement of plans and construction occurring on-site.
5. A landscaping plan has been requested in order to ensure that the landscaping that is provided in conjunction with the proposed development is of an adequate standard so as to improve the visual amenity of both the subject site and surrounding area.

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

**ITEM 2**  
**PA2010/1187**  
**APPLICANT**

**SUBDIVISION TO CREATE 5 LOTS**  
**LOTS 9763 & 8708 (31 & 33) FRESHWATER ROAD, TOWN OF NIGHTCLIFF**  
**EARL JAMES AND ASSOCIATES**

DAS tabled further comments from Darwin City Council dated 3 November 2010.

Mr Kevin Dodd (Earl James & Associates) and Mr Tony Abbott (owner) attended.

**RESOLVED**  
**309/10**

That, the Development Consent Authority vary the requirements of clause 11.4.2 (Infrastructure in Rural Subdivisions) of the NT Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to subdivide Lots 9763 & 8708 (31 & 33) Freshwater Road, Town of Nightcliff for the purpose of creating 5 lots subject to the following conditions:

**CONDITIONS PRECEDENT**

1. Prior to the endorsement of plans and the commencement of works (including site preparation) a schematic plan demonstrating all stormwater to be collected on the site and discharged to the Darwin City Council's stormwater drainage system must be provided to Darwin City Council, to the satisfaction of the consent authority.
2. Prior to the endorsement of plans and the commencement of works (including site preparation) confirmation from a Building Certifier within the meaning of the *Building Act* that the subdivision if it proceeds will not create a situation in which any of the existing buildings on the site will cease to comply with the

*Building Act* must be provided to the Department of Lands and Planning, to the satisfaction of the consent authority.

### **GENERAL CONDITIONS**

3. Works carried out under this permit shall be in accordance with 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 services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
6. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for approval by the Surveyor General.
7. The access road shown on the plans is to be sealed to a width of 4m, to the satisfaction of the consent authority.
8. The access road shown on the plans is to be maintained to the satisfaction of the consent authority.

### **NOTE:**

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

### **REASONS FOR THE DECISION**

1. The proposal is consistent with the primary purpose of Zone SD11 (Specific Use Darwin No. 11) of the Northern Territory Planning Scheme which is to facilitate the use and development of the land for a range of uses consistent with the non-urban character and amenity of the area so zoned.
2. A variation to clause 11.4.2 (Infrastructure in Rural Subdivisions) is supported as the existing battleaxe lot is in excess of 250m and the proposed new access would significantly shorten the length of the existing battleaxe lot as well as increasing the width to a generous 15m. Furthermore, the additional length of the battleaxe lot which lot D is mainly reliant on enables lot D to achieve a better outcome in terms of

lot design as lot D could alternatively have simply been provided with narrow frontage which extends some 47.5 m at a width of 15m.

3. Due to the amount of dust that will be generated if the road remains unsealed (particularly for Lot A), the potential amenity impact and to minimise the tracking of dirt onto Freshwater Road in accordance with subclause 4 of Clause 2.5 (exercise of Discretion by the Consent Authority) the consent authority has determined it is necessary for the access road to be sealed to a width of 4m.
4. Building certification of the existing buildings is required to ensure that the buildings that will remain on the site after the proposed subdivision comply with the *Building Act*.

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

**ITEM 3  
PA2010/1176**

**3 STOREY SINGLE DWELLING WITH A REDUCED SIDE SETBACK AND  
IN EXCESS OF THE 8.5M HEIGHT LIMIT**

**APPLICANT**

**LOT 7740 (39) RUDDICK CIRCUIT, TOWN OF DARWIN  
MIM INVESTMENTS NT PTY LTD**

Mr Yannis Prouzos (MIM Investments NT Pty Ltd) attended.

Submitters Mr Tony Martin and Ms Sally Jones attended.

**RESOLVED  
310/10**

That, pursuant to Section 53(c) of the *Planning Act*, the Development Consent Authority refuse to consent to the application to develop Lot 7740 (39) Ruddick Circuit, Town of Darwin for the purposes of a single dwelling in a three storey building exceeding the building footprint and envelope, and the 8.5m height limitation.

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

1. As per Part 5 of Zone SD20 (Specific Use Darwin 20), if a single dwelling does not comply with the requirements of this paragraph is shall be permitted only with consent and the consent authority may consent only if it is satisfied that special circumstances justify the giving of consent. As the subdivision was specifically designed to allow development in accordance with the building envelope plan endorsed by Development Permit DP07/0312 showing maximum building heights of no more than two storeys in any instance (and making no reference to buildings being permitted to above 8.5 metres in height), and as the site was graded and contoured having consideration for the building envelope plan, no special circumstances have been identified which would justify the granting of a variation to the maximum number of storeys specified by the building envelope endorsed under Development Permit DP07/0312 based on either the lot configuration/ size or the topography of the land in question.

2. As per Clause 2.5 of the NT Planning Scheme) if a single dwelling does not comply with the standards set out in Parts 4 & 5 of the Scheme it shall be permitted only with consent and the consent authority may consent only if it is satisfied that special circumstances justify the giving of consent. The current proposal exceeds the height limitations as prescribed by clause 7.1 (Residential Density and Height Limitations) by approximately 1.6m which is an increase in height by 19%. This is considered excessive and not justified in this instance as it would have a noticeable visual impact on the locality and in particular the abutting sites to the west and the east.
  
3. The purpose of clause 7.1 (Residential Density and Height Limitations) is to ensure that residential development is of a height compatible with adjoining or nearby development or development reasonably anticipated. In accordance with the requirements of clause 7.1, while the surround lots are currently undeveloped, there is no reason to believe that future developments will not comply with the requirements of clause 7.1, thereby resulting in buildings of considerably less height than that currently proposed. The proposed development therefore does not demonstrate compatibility with the height of development reasonably anticipated and as such is inconsistent with the purpose of clause 7.1. No special circumstances which justify the granting of consent in this regard have been identified. Furthermore, there is no apparent reason why a dwelling could not reasonably be constructed on the subject site meeting the requirements of the NT Planning Scheme.

**ACTION:** Notice of Refusal

**ITEM 4**  
**PA2006/0622**  
**APPLICANT**

**EXTENSION OF TIME FOR A PERIOD OF A FURTHER 2 YEARS**  
**LOT 3062 (82) ROSS SMITH AVENUE, TOWN OF DARWIN**  
**LANDDEAL PTY LTD**

Mr Tony O'Neill and Mr George Vrodos (Landdeal Pty Ltd) attended.

**RESOLVED**  
**311/10**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to grant an extension of period for DP06/0141 for a period of a further two years, subject to the following:

- Development Permit DP06/0459 will now lapse on 10 October 2012.
- In all other respects Development Permit DP06/0459 remains unchanged.

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

The development that forms the subject of the proposed extension of period of permit fully complies with the current controls of the NT Planning Scheme. Therefore, the granting of a time extension for a two year period to DP06/0459 is not considered to be likely to have any negative impact on either the subject property or surrounding area.

**ACTION:** Extension of Period of permit



ITEM 5 HELD OVER

ITEM 6 64 X 2 BEDROOM MULTIPLE DWELLINGS (INCLUDING 51 X 2 BEDROOM  
PA2010/0658 SERVICED APARTMENTS) AND INCLUDING CAR PARKING AT LEVELS 2 - 4  
IN A 12 STOREY BUILDING  
LOT 2443 (110) MITCHELL STREET, TOWN OF DARWIN  
APPLICANT SAVVAS SAVVAS

Mr Savvas Savvas attended.

RESOLVED  
312/10

That the Development Consent Authority vary the requirements of Clause 6.3.2 (Volumetric Control in Central Darwin) & Clause 6.3.3 (Urban Design Requirements in Central Darwin) of the Northern Territory Planning Scheme, and pursuant to Section 53(b) of the *Planning Act*, alter the proposed development and consent to the proposed development as altered to develop Lot 2443 (110) Mitchell Street, Town of Darwin for the purpose of 63 x 2 bedroom and 1 x 1 bedroom multiple dwellings (including 51 serviced apartments) and including car parking at levels 1 – 3 in a 12 storey building, subject to the following conditions:

**CONDITIONS PRECEDENT**

1. Prior to endorsement of the plans and prior to commencement of works (including site preparation) a full set of amended plans 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. Three copies of plans drawn to scale with dimensions must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - (a) Waste bin storage and pick up in accordance with Darwin City Council's Waste Bin Policy, to the requirements of Darwin City Council, to the satisfaction of the consent authority.
  - (b) The Mitchell and Peary Street crossovers meeting the requirements of Council and any traffic management measures required by Council to prevent vehicles from turning right-in and right-out from the Mitchell Street crossover, to the satisfaction of the consent authority.
2. Prior to endorsement of the plans and prior to commencement of works (including site preparation), the applicant is to prepare a schematic plan demonstrating all stormwater to be collected on the site and discharged underground to Council's stormwater drainage system, to the requirements of Darwin City Council, to the satisfaction of the consent authority.
3. Prior to the commencement of works (including site preparation) a traffic management plan shall be prepared to the satisfaction of the Department of Lands and Planning's Public Transport Division that addresses the ongoing provision of public transport services during construction.

## GENERAL CONDITIONS

4. Works carried out under this permit shall be in accordance the plans endorsed as forming part of this permit.
5. Each dual key two-bedroom serviced apartment is to remain under a single title.
6. The occupants of the serviced apartments are not to enter into a tenancy agreement, as defined by the Northern Territory *Residential Tenancies Act* (as in force at 1 July 2010).
7. The disclosure statement associated with the unit titling of the serviced apartments within the development must include wording to reflect that they are to be used for the purpose of a serviced apartment, to the satisfaction of the consent authority, to ensure that they do not operate as standard multiple dwellings.
8. All serviced apartments are to have, at all times, the option of being cleaned or serviced by the owner, manager or agent of the apartment complex.
9. Payment is to be made to Council for the loss of any on-street carparking spaces, the result of the Mitchell and Peary Street crossovers, in accordance with Section 70(5) of the *Planning Act*. The contribution is to be calculated in accordance with the requirements of Section 70(6) of the *Act*, to the satisfaction of the consent authority.
10. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
11. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity and telecommunications services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time, as determined necessary by the Power and Water Corporation.
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 Darwin City Council, to the satisfaction of the consent authority.
13. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to Darwin City Council, to the satisfaction of the consent authority.
14. Pursuant to Part 6 – Developer Contributions of the NT *Planning Act*, a monetary contribution shall be paid to Darwin City Council in accordance with Council's Developer Contribution Plans for Stormwater Drainage.

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, Darwin City Council, and to the satisfaction of the consent authority.
  
16. 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
  - (d) drained;to the satisfaction of the consent authority.  
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
  
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, and at the junction of the pedestrian accessway and the ground level carparking area.
  
18. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
  
19. 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.
  
20. 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.
  
21. All air-conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed to ground level in a controlled manner to the satisfaction of the consent authority.
  
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 Darwin City Council, to the satisfaction of the consent authority.

## NOTES:

1. Darwin City Council advises that, notwithstanding the approved plans, any proposed awnings, footpaths and landscaping works within Council's road reserve are subject to approval from Darwin City Council, and shall be undertaken at no cost to Council.
2. Darwin City Council advises that, in no circumstances will the temporary storage of garbage and recycling waste bins on Council's road reserve for servicing purposes be permitted. Council advises that it will require that bins always be serviced from the designated waste storage area within the property, with collection vehicles only permitted to enter and exit the property in a forward gear.
3. The developer is to contact Service Stream on [Commercial.leadin@servicestream.com.au](mailto:Commercial.leadin@servicestream.com.au) or 1-800-773-776 prior to any work commencing, to facilitate the installation of Telstra's network.

## REASONS FOR THE DECISION

1. The proposal is consistent with the primary purpose of Zone CB (Central Business), which is, "to provide for a diversity of activities, including administrative, judicial, professional, office, entertainment, cultural, residential and retail, and other business activities with a commitment to the separation of incompatible activities".
2. A variation to Clause 6.3.2 (Volumetric Control in Central Darwin) of the Northern Territory Planning Scheme is supported as the Tier 2 (Tower) begins at the level of 25.0m above ground, with the non-compliance simply resulting from the perimeter wall to the podium, which has a maximum height of 1.8m, or 26.1m above ground level. This variation will not impact on the amenity of adjoining premises, while allowing for greater open space for residents on this level. The impact of this protrusion on "view corridors to Darwin harbour and the penetration of daylight and breeze penetration", as per the purpose of Clause 6.3.2, will be negligible on surrounding premises, while significantly enhancing such view corridors and daylight and breeze access to residents of the subject development.
3. A variation to subclause 2(a) of Clause 6.3.3 (Urban Design Requirements in Central Darwin) of the Northern Territory Planning Scheme is supported as although activation of 75% of the site's frontage is not achieved. The design, with a recessed entrance, with clear glass to the foyer, and the multi-purpose amenities area, which wraps around the intersection of Peary and Mitchell Streets promotes visibility through to the development and a level of activation appropriate for the site.
4. 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 Consent and Development Permit

**ITEM 7**  
**PA2010/1143**  
**EXTENSION AND CARPORT ADDITION TO AN EXISTING SINGLE DWELLING WITH A REDUCED SIDE SETBACK.**  
**LOT 950 (24) OLIVER STREET, TOWN OF NIGHTCLIFF**  
**APPLICANT** **JB INDUSTRIES (NT) PTY LTD**

Mr Arnold Nutt (Builder) attended on behalf of the applicant.

**RESOLVED**  
**313/10**

That, the Development Consent Authority vary the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 950 (24) Oliver Street, Town of Nightcliff for the purpose a extension and carport addition to an existing single dwelling with a reduced side setback subject to the following conditions:

#### **GENERAL CONDITIONS**

1. Works carried out under this permit shall be in accordance with drawing numbers 2010/1143/1 to 2010/1143/4, endorsed as forming part of this permit.
2. 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.
3. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to Darwin City Council to the satisfaction of the consent authority.

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

1. The proposed development is generally consistent with the primary purpose of Zone SD (Single Dwelling).
2. A variation to clause 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme to allow a reduced side setback of 1.34m is supported, as the encroachment is considered to be minor as only a small portion of the corner of the proposed building will not meet the setback requirement.

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

ITEM 8  
PA2010/1059

**SHORE UP THE EARTH WALLS OF AN EXISTING EXCAVATION SITE AND  
CONSTRUCTS THE WALLS AND FLOORS OF 4 LEVELS OF BASEMENT  
FOR FUTURE BUILDINGS**

APPLICANT

**LOT 7587 (68) MITCHELL STREET, TOWN OF DARWIN  
JUNE D'ROZARIO & ASSOCIATES PTY LTD**

Pursuant to section 97(3) of the *Planning Act*, Mr Bob Elix and Ms Heather Sjoberg – members of the Darwin Division of the Development Consent Authority declared an interest and did not take part in the deliberation of this item.

DAS tabled an addendum.

Ms June D'Rozario (June D'Rozario & Associates), Mr Jason Lee (Part Owner) and Ms Katrina Haddrill (Project Manager) attended.

Mr Luccio Cercerelli (Director Technical Services) and Ms Cindy Robson (Strategic Town Planner) both from Darwin City Council attended.

**RESOLVED  
314/10**

That pursuant to Section 53(b) of the *Planning Act*, the Development Consent Authority alter the proposed development and consent to the proposed development as altered to develop Lot 7587 (68) Mitchell Street, Town of Darwin for the purpose of shoring up the earth walls of an existing excavation site and constructing the walls and floors of 4 levels of basement for future buildings in two (2) stages subject to the following conditions:

**CONDITION PRECEDENT**

1. Prior to the commencement of works (including site preparation) a schematic plan is to be provided, demonstrating that all stormwater can be collected on the site and discharged underground to Council's stormwater drainage system, to the requirements of Darwin City Council and to the satisfaction of the consent authority. This plan is to include details of site levels and Council's stormwater drain connection points within the vicinity of the site.

Stage One

2. Prior to the endorsement of plans and prior to commencement of works (including site preparation) of Stage One, 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) Only those works proposed as part of Stage One; and
  - (b) Written advice from the applicant acknowledging that the final location of the access and egress to the basement levels is subject to the approval of Darwin City Council and therefore movement of the access and egress may be necessary, to the satisfaction of the consent authority, and that as a result of any changes to the access and egress location as shown in the application will

not provide reason to vary the standards of the NT Planning Scheme for example Clause 6.5.1 (Parking Requirements) and Clause 6.5.3 (Parking Layout) for any future development of the site.

#### Stage Two

3. Prior to the endorsement of plans and prior to commencement of works of Stage Two (i.e. floor and ramps of level B1, ramps of level B2 and ground level slab) 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) Only those works proposed as part of Stage Two;
  - (b) The location of access and egress to the basement levels; and
  - (c) Written approval for the access and egress location from Darwin City Council, to the satisfaction of the consent authority.

#### GENERAL CONDITIONS

4. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
5. The development must proceed in the order of stages as shown on the endorsed plan and referred to in this permit.
6. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
7. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity and telecommunication services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
8. Pursuant to Part 6 - Developer Contributions of the NT *Planning Act*, a monetary contribution shall be paid to Darwin City Council in accordance with Council's Developer Contribution Plans for Stormwater Drainage.
9. The developer is to ensure all development work is undertaken in a manner that prevents the creation of a public health nuisance from dust or other particulate to the satisfaction of the consent authority.
10. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
11. All substation, fire booster and water meter arrangements are to be appropriately screened to soften the visual impact of such infrastructure on the

streetscape, to ensure that the infrastructure is sympathetic to and blends in with the design of the building. Details will need to be resolved to the satisfaction of the consent authority in consultation with the Power and Water Corporation, and Fire and Emergency Services.

12. The site must be appropriately fenced at all times to ensure public access to the site is restricted during construction and also following the completion of construction works on site (until such time as an Occupancy Permit under the *Building Act* is obtained), to the satisfaction of the consent authority.
13. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Darwin City Council to the satisfaction of the consent authority.
14. The owner shall:
  - (a) remove disused vehicle and/ or pedestrian crossovers;
  - (b) collect stormwater and discharge it to the drainage network; and
  - (c) undertake reinstatement works;all to the technical requirements of and at no cost to the Darwin City Council, to the satisfaction of the consent authority.

**NOTE:**

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

**REASONS FOR THE DECISION**

1. The proposed development will facilitate the future development of the site and thus fulfil the primary purpose of Zone CB which is to "provide for a diversity of activities including administrative, judicial, professional, office, entertainment, cultural, residential and retail and other business activities with a commitment to the separation of incompatible activities".
2. Consideration has not been given to any envisaged future use of the basement levels at this time. The assessment of the proposal related to excavation and the construction of the floors and walls. Future use of the site once the basement is constructed is expected to comply with the Northern Territory Planning Scheme and as such no variations, for example to Clause 6.5.3 (Parking Layout), are indicated to be supported in the future. The fact that the basement exists will not be considered a "special circumstances" for the purposes of Clause 2.5 of the Northern Territory Planning Scheme.



3. The purpose of staging the application is to allow construction to begin whilst the access and egress location is resolved with Darwin City Council. Written approval from the applicant in respect to acknowledging the implications of the unresolved access and egress location is required as the final location of the access and egress may have an impact on the development and require changes to the plans at a later date.

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

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



**PETER MCQUEEN**  
Chairman

8/11/10

