



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 250 – FRIDAY 20 MARCH 2015

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: Margaret Macintyre (Secretary), Hanna Stevenson, Sally Cunningham, Adelle Godfrey, Joseph Sheridan and Stephanie Breuer (Development Assessment Services)

COUNCIL REPRESENTATIVE: Luccio Cerceralli, Cindy Robson and Nadia Smith

Meeting opened at 9.45 am and closed at 3.00 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 ADDITIONS TO AN EXISTING SINGLE DWELLING WITH A REDUCED FRONT
PA2014/0992 SETBACK
LOT 5475 (4) BEROONA COURT, TOWN OF SANDERSON
APPLICANT BETTER BUILD HOMES PTY LTD

Mr Peter Bagley and Mr Craig Carter (Better Build Homes Pty Ltd) attended.

RESOLVED That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent
66/15 Authority defer consideration of the application to develop Lot 5475 (4) Beroona
Court, Town of Sanderson for the purpose of additions to an existing single dwelling
with a reduced front setback to require the applicant to provide the following
additional information that the Authority considers necessary in order to enable
proper consideration of the application:

- A site plan accurately showing all site features and structures including but not limited to the existing dwelling, swimming pool, driveways, fencing, gates and sheds.

RESOLVED That pursuant to section 86 of the *Planning Act*, the Authority delegates to the
67/15 Chairman, or in the Chairman's absence any one of the other members of the Darwin
Division the power under section 53 of the Act, the power to determine the
application to develop Lot 5475 (4) Beroona Court, Town of Sanderson for the
purpose of additions to an existing single dwelling with a reduced front setback
subject to the submission of:

- A site plan accurately showing all site features and structures including but not limited to the existing dwelling, swimming pool, driveways, fencing, gates and sheds.

and further subject to conditions as determined by the delegate.

REASONS FOR THE DECISION

1. Submission of an accurate site plan showing all site features will allow the proposal to be properly considered.

ACTION: Advice to Applicant

ITEM 2
PA2015/0061

REFURBISHMENT OF EXISTING BUILDING TO ACCOMMODATE SHOPS AND RESTAURANTS FOR A TEMPORARY PERIOD OF 7 YEARS

LOT 2322 (56) SMITH STREET, TOWN OF DARWIN

APPLICANT

GWELO INVESTMENTS

Mr Bernie O'Connell (Gwelo Investments) and Mr Simon Dyer (Sidecart Architects) attended.

Submitters in attendance:- Ross Finocchiaro (Submission submitted by Brad Cunnington (Northern Planning Consultants), Ms Carolyn Marriott and Mr Regis Michel (attended on behalf of submitter Maurice O'Riordan who is unable to attend)

**RESOLVED
68/15**

That pursuant to section 46(4)(b) of the *Planning Act*, the consent authority defer consideration of the application to develop Lot 2322 (56) Smith Street, Town of Darwin for the purpose of refurbishment of an existing building to accommodate shops and restaurants for a temporary period of 7 years, subject to:

- Confirmation from the City of Darwin that a local rate pursuant to the *Local Government (Darwin Parking Local Rates) Regulations* will be applied to the development.

**RESOLVED
69/15**

That pursuant to section 86 of the *Planning Act*, the Authority delegates to the Chairman, or in the Chairman's absence any one of the other members of the Darwin Division the power under section 53 of the Act to determine the application of develop Lot 2322 (56) Smith Street, Town of Darwin for the purpose of refurbishment of an existing building to accommodate shops and restaurants for a temporary period of 7 years, subject to:

- Confirmation from the City of Darwin that a local rate pursuant to the *Local Government (Darwin Parking Local Rates) Regulations* will be applied to the development.

and further subject to conditions as determined by the delegate.

REASONS FOR THE DECISION

1. The consent authority requires confirmation from the City of Darwin that a local rate pursuant to the *Local Government (Darwin Parking Local Rates) Regulations* will be applied to the development as has occurred historically at the site, given the extent of the proposed car parking shortfall which would result from the proposal during the temporary 7 year period.

ACTION: Advice to applicant

ITEM 3
PA2014/0953
APPLICANT

7 X 1 BEDROOM, 53 X 2 BEDROOM, 2 X 3 BEDROOM MULTIPLE DWELLINGS
IN AN 8 STOREY BUILDING PLUS 3 LEVELS OF BASEMENT CARPARKING
PART 7278 (2) HARVEY STREET, TOWN OF DARWIN
BELL GABBERT ASSOCIATES PTY LTD

DAS tabled an addendum.

Mr Mark Bell (Bell Gabbert Associates) and Mr George Milatos (owner in waiting) attended.

Mr Bell tabled advice on commercial space in the area.

Mr Milatos tabled a response to City of Darwin comments and correspondence from LJ Hooker on commercial space in Darwin.

Submitter:- City of Darwin (represented by Mr Luccio Cercarelli, Ms Cindy Robson and Ms Nadia Smith) attended.

RESOLVED
70/15

That, the Development Consent Authority vary the requirements of Clauses 6.3.3 (Urban Design Requirements in Central Darwin), 6.5.3 (Parking Layout) and 7.5 (Communal Open Space), and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop part Lot 7278 (2) Harvey Street, Town of Darwin for the purpose of 7 x 1 bedroom, 53 x 2 bedroom and 2 x 3 bedroom multiple dwellings in an 8 storey building plus 3 levels of basement 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), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a. Changes to the screening treatment of car parking areas as viewed from the Ryko Court frontage to enable a higher quality style of fencing or screening panels in addition to the provision of landscaping, to better achieve the requirements of Clause 6.5.3 (Parking Layout).
 - b. The design of the building and any proposed work impacting on the Barneson Street road reserve to the requirements of the Department of Transport. This includes the design of the building in relation to retaining walls, building foundations and fencing adjacent the boundary, and in relation to the provision or connection of services and access to/from the property.
 - c. The removal of any works identified on the plans within the City of Darwin road reserves, or otherwise the written approval of the City of Darwin for these works; and
 - d. Notation/s added to the proposal plans which confirm the provision of high level (+1.5m) windows only to bedrooms on the ground storey adjacent to communal open space to ensure adequate privacy.

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 and the Department of Transport, 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. Stormwater discharge is not permitted onto the Barneson Street road reserve.
3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a traffic impact assessment report is to be prepared by a suitably qualified traffic engineer with attention to vehicular, pedestrian, cyclist and public transport issues, including swept paths for waste collection vehicles, and identifying any necessary upgrades to the surrounding street network 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 waste management plan to the requirements of 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. The ECMP is to address how construction will be managed on the site, and is to include details of waste management, traffic control and haulage routes, stormwater drainage and the use of City of Darwin land during construction.
6. Prior to the commencement of works (including site preparation), the applicant is to prepare a dilapidation report covering infrastructure within the road reserve to the requirements of the City of Darwin.

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 developer shall have carried out in accordance with AS3671-1989 "Acoustics – Road Traffic Noise Intrusion – Building Siting and Construction" an assessment by a suitably qualified person of the development's present and predicted future exposure to road traffic noise levels, and where required provide appropriate noise attenuation measures to the satisfaction of the consent authority. All noise attenuation works deemed necessary shall be carried out by and at the full cost of the developer and shall be wholly contained within the subject lot.
9. The occupation of the development must not occur until the subdivision approved through DP12/0714 is completed and titles issued for the new lots.

10. Before the use commences the development must, in accordance with Part 6 of the *Planning Act*, provide a monetary contribution to the City of Darwin in accordance with the "Developer Contribution Plans – Stormwater Drainage Works" if a contribution has not already been provided under DP12/0714, to the requirements of the City of Darwin.
11. 500mm of clean fill is required to be provided where landscaped private open space areas are situated at ground level, and evidence of the fill is to be provided to the requirements of the consent authority.
12. All proposed works impacting on the Barneson Street road reserve are to be designed, supervised and certified on completion by a practicing and registered civil engineer, and shall be in accordance with the standards and specifications of the Department of Transport. Drawings must be submitted to the Road Network Division of the Department of Transport for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".
13. The owner of land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage, and electricity services to the development shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.
14. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement of site is to be created.
15. 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.
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. 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;
 - e. all to the technical requirements of and at no cost to the City of Darwin, to the satisfaction of the consent authority.
17. 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.

18. All roof top plant equipment (such as vents and ducting associated with requirements for stairwell pressurisation or other such ventilation purposes or similar) that will be placed on the rooftop of the development 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).
19. 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.
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. Detail 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. All balconies are to be internally drained and discharge is to be disposed of at ground level in a manner consistent with stormwater disposal arrangements for the site to the satisfaction of the consent authority.
22. Before the occupation of the development starts, the areas set aside for the parking of vehicles and access lanes shown on the endorsed plans must be:
 - a. constructed;
 - b. properly formed to such levels that they can be used in accordance with the plans;
 - c. surfaced with an all-weather seal coat;
 - d. drained;
 - e. line marked to indicate each car space and all access lanes; and
 - f. clearly marked to show the direction of traffic along access lanes and driveways;to the satisfaction of the consent authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.
23. 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.
24. 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.
25. 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.
26. 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.

27. Any lighting provided on site is to be shielded in a manner to prevent the lighting being noticeable or causing nuisance to Tiger Brennan Drive or the future Barneson Street entry road traffic, to the requirements of the Department of Transport.
28. The boundary of the site adjacent to the Barneson Street road reserve shall be appropriately fenced in accordance with the Department of Transport's standards and requirements.
29. Any disturbed areas within the Barneson Street road reserve must be rehabilitated to the requirements of the Department of Transport.
30. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.
31. 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 to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. The Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency's Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
3. This development permit does not grant "building approval". The Building Code of Australia requires that certain structures within 900mm of a boundary meet minimum fire resistance level requirements and you are advised to contact a registered private building certifier to ensure that you have attained all necessary approvals before commencing works.
4. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost of Council.
5. Notwithstanding the approved plans, any proposed works (including landscaping and awnings) within the City of Darwin's road reserve is subject to Council's approval and shall meet Council's requirements, to the satisfaction of the General Manager of Infrastructure, City of Darwin and at no cost to Council.

6. This development as approved by the Development Consent Authority (DCA) achieves a level of active interface deemed by the authority to provide 100% of the Barneson and Harvey Street frontages, and 76% of the Ryko Court frontage, incorporating a range of treatments including through the provision of landscaping. Retaining these levels of active frontage are 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.
7. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Nomination Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Building should be contact via email (info@ntbuild.com.au) or by phone (08 8936 4070) to determine if the proposed works are subject to the Act.

REASONS FOR THE DECISION

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 application proposes the development of multiple dwellings which are consistent with the primary purpose of Zone CB (Central Business) in providing for a diversity of activities including administrative, judicial, professional, office, entertainment, cultural, residential and retail and other business activities with a commitment to the separation of incompatible activities. The provision of multiple dwellings at part of the ground level is considered appropriate having regard to the location of the site at the outer perimeter of the CBD and the achievement of active frontages in accordance with Clause 6.3.3 (Urban Design Requirements in Central Darwin).
2. In relation to the requirement for awnings pursuant to Clause 6.3.3, the site demonstrates unique characteristics including moderate to steep slopes to all street frontages, the location of the site at the outer perimeter of the CBD where the anticipated pedestrian traffic is far less than in more central areas of the CBD, and a frontage to Barneson Street road reserve where the future design of this corridor is unknown. These circumstances result in a building design which requires retaining walls of varying heights along each street frontage, the incorporation of multiple dwellings on the ground storey of the building, and the incorporation of landscaping to achieve softening of the built form, which makes the provision of an awning problematic. As a result of the location of the site at the outer perimeter of the CBD, the anticipated pedestrian movement in the area is expected to be lower in relation to more central areas where the provision of a full length awning would be essential and a variation to the requirements of a full awning along each street frontage is considered acceptable.

3. A variation to Clause 7.5 (Private Open Space) in relation to a visual barrier of screen fencing or landscaping to the private open spaces at the ground level to the dwellings adjacent to Barneson Street, is considered acceptable as the dwellings incorporate solid infill panels to the balcony balustrading to a height of 1m and a retaining wall ranging from 0.5m to 1.5m along this frontage is expected to provide added height above the anticipated street level for privacy.
4. 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. The building design incorporates a retaining wall above the existing ground level adjacent to the Barneson Street road reserve, and restricts direct access to this frontage which is considered appropriate given the design of the future corridor is uncertain. As the development relies on the completion of DP12/0714 and the opening of Ryko Court, the completion of the subdivision and the issue of titles is required prior to occupancy. The title documents identify the requirement for 500mm of clean fill for areas to be planted or landscaped for open space. The developer is required to carry out an assessment by a suitably qualified person of the current and future exposure to road traffic noise with the required noise attenuation measures incorporated as part of design to ensure compliance with AS3671 *Road Traffic Noise Intrusion – Building Siting and Construction*.
5. The City of Darwin has requested a traffic impact assessment report be prepared to identify any necessary upgrades to the surrounding street network. The City of Darwin has also requested details of stormwater drainage, waste collection, the management of traffic during construction, and details of the existing infrastructure within the road reserve. Any design of any upgrades to the Harvey Street road reserve must also be provided to the satisfaction of the City of Darwin, including the provision of footpaths and landscaping.
6. Amended plans are required to be provided by the applicant to provide improved screening to the car park adjacent to the Ryko Court frontage, to remove any works identified on the plans within the City of Darwin road reserves which do not have the consent of the City of Darwin, and to confirm the provision of high level windows only to bedrooms on the ground storey adjacent to communal open space to ensure adequate privacy. Consent is also required from the Department of Transport in relation to the proposed building design in relation to retaining walls, building foundations and fencing adjacent this boundary, and in relation to the provision or connection of services and access to/from the property.
7. Pursuant to Section 51(e) of the *Planning Act*, the consent authority must take into consideration any submissions made under section 49 in relation to the development application. A section 49 submission by the City of Darwin detailed objections in relation to the achievement of active street frontages, the extent of awnings, and the treatment to the future Barneson Street corridor. Appropriate responses to these matters

raised have been provided by the applicant as considered by the consent authority, and detailed in the reasons for the determination contained herein.

ACTION: Notice of Consent and Development Permit

**ITEM 4
PA2015/0010
APPLICANT**

**PART CHANGE OF USE TO A RECYCLING DEPOT
LOT 9228 (11) TANG STREET, TOWN OF NIGHTCLIFF
REVIVE RECYCLING PTY LTD**

Pursuant to section 97(1) of the *Planning Act*, Mr Grant Tambling a member of the Darwin Division of the Development Consent Authority declared a conflict of interest and was not present and did not take part in any deliberation or decision of the Division in relation to Item 4.

Mr Markus Fraval (Revive Recycling Pty Ltd) and Mr Harry Andreou (landowner) attended.

Submitters in attendance:- Ms Rachel Horne, Mr Garry Mappas and Ms Carolyn Marriott.

**RESOLVED
71/15**

That, the Development Consent Authority vary the requirements of Clauses 6.5.3 (Parking Layout) and 9.1.1 (Industrial Setbacks) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 9228 (11) Tang Street, Town of Nightcliff for the purpose of a part change of use to a recycling depot, subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
2. The owner of land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage, and electricity services to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
3. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
4. All kerb crossings and driveways are to meet the technical standards of the City of Darwin, to the satisfaction of the consent authority.

The owner shall:

- remove disused vehicle and/or pedestrian crossings;
- provide footpaths/cycleways;
- collect stormwater and discharge it to the drainage network; and
- 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.

5. 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:
 - constructed;
 - properly formed to such levels that they can be used in accordance with the plans;
 - surfaced with an all-weather-seal coat;
 - drained;
 - line marked to indicate each car space and all access lanes; and
 - clearly marked to show the direction of traffic access lanes including queuing and unloading areas;to the satisfaction of the consent authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.
6. Before the use of the development starts the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
7. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
8. All recycling and waste material not required on site must be regularly removed from the site to an approved facility. All vehicles removing recycling and waste material must have fully secured and contained loads so that no wastes are spilled or odour is created to the satisfaction of the consent authority.
9. All recycling and waste material is required to be sorted and stored within the building. No material or goods are to be stored or left exposed outside the building so as to be visible from any public street.
10. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - transport of materials, goods or commodities to or from the land;
 - appearance of any building, works or materials;
 - emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; and
 - presence of vermin.
11. The use may operate only between the hours of 8am – 6pm Monday to Friday and 8am – 1pm Saturday.

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction

works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

2. The Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency's Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
3. The applicant is advised to engage a building certifier, within the meaning of the *Building Act*, as to whether the building complies with the *Building Act* and associated Regulations.
4. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to Council.

REASONS FOR THE DECISION

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. Whilst the development will result in an increased level of activity on the site than currently occurs, it is expected that the use will not be inconsistent with the intent and objectives of Zone LI (Light Industry) in providing a use that will not, by the nature of its operations, detrimentally affect adjoining or nearby land. The use is situated towards the front of the site, will have limited operating hours, and proposes a range of management activities to minimise the potential noise impact on adjacent residential uses to the north.
2. The landscaping treatment proposed along the rear boundary of the site to a depth of 3m is expected to achieve the requirements of Clause 8.3 in providing a visual screen and assisting in protecting the visual and acoustic amenity of residential uses for the adjacent land to the north, whilst retaining the integrity of the drainage infrastructure within the easement. The treatment is expected to provide a quality interface to the adjacent residential land through the provision of native shrubs and small trees which are required to be maintained for the duration of the development.
3. Pursuant to Section 51(e) of the *Planning Act*, the consent authority must take into consideration any submissions made under section 49 in relation to the development application. A total of 48 public submissions were received during the exhibition period under section 49, including 20 submissions which detailed objections to the proposal including in relation to potential noise and odour impacts to adjoining residential properties, and the potential impact on traffic and on-street parking along Tang Street. Appropriate responses to these matters raised have been provided by the applicant as considered by the consent authority, and detailed in the reasons for the determination contained herein.

ACTION:

Notice of Determination

**ITEM 5
PA2014/0746
APPLICANT****12 x 2 BEDROOM MULTIPLE DWELLINGS IN A 4 STOREY BUILDING
LOT 4686 (40) GOTHENBURG CRESCENT, TOWN OF DARWIN
MATAGUHA HOLDINGS PTY LTD AND AMANDANDY PTY LTD**

DAS tabled and additional submission from a submitter.

Ms Tatiane Kelly and Mr Paul Winter (Habitat) attended.

**RESOLVED
72/15**

That, the Development Consent Authority vary the requirements of Clauses 7.1.1 (Residential Density Limitations), 7.3 (Building Setbacks) of Residential Buildings) and 7.3.1 (Additional Setback Requirements for Residential Buildings Longer Than 18 metres and for Residential Buildings Over 4 Storeys in Height) of the NT Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 4686 (40) Gothenburg Crescent, Town of Darwin for the purpose of 12 x 2 bedroom multiple dwellings in a 4 storey building, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of works (including site preparation), the applicant is to prepare a schematic plan demonstrating all stormwater to be collected on the site and discharged underground to Council's stormwater drainage system, to the requirements of City of Darwin and to the satisfaction of the consent authority.
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a traffic impact assessment report prepared in accordance with the Austroads document 'Guide to Traffic Management Part 12: Traffic Impacts of Developments'. The report must outline changes that will be required to the surrounding road network and address vehicular, pedestrian, cyclist and public transport issues and opportunities, and is to include swept paths for waste collection vehicles entering and exiting the site. The report is to be to the approval of the City of Darwin, to the satisfaction of the consent authority
3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare an Environmental Construction Management Plan (ECMP), to the requirements of the City of Darwin, to the satisfaction of the consent authority. The ECMP is to address how construction will be managed on the site, and is to include details of the haulage of excavated and new materials, traffic management for construction vehicles, fencing and hours of construction.

GENERAL CONDITIONS

4. The works carried out under this permit shall be in accordance with drawing numbers 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 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 of site is to be created.
7. 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.
8. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the City of Darwin or the Department of Transport as the case may be, to the satisfaction of the consent authority.
9. 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.
10. The owner shall:
 - a) remove disused vehicle and/ or pedestrian crossovers;
 - b) collect stormwater and discharge it to the drainage network; and
 - c) undertake reinstatement works;all to the technical requirements of and at no cost to the City of Darwin, to the satisfaction of the consent authority.
11. 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) 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.
12. The car parking shown on the endorsed plan(s) must be available at all times for the exclusive use of the occupants of the development and their (visitors/ clients).
13. 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.

14. 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.
15. 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.
16. 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.
17. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. The Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency's Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
3. A "Permit to Work Within a Road Reserve" may be required from the City of Darwin before commencement of any work within the road reserve.
4. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the authority must consider any planning scheme that applies to the land to which the application relates:

- a) The proposal to develop Lot 4686 for the purpose of 12 x 2 bedroom multiple dwellings in a 4 storey building 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. 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.
 - b) A variation to Clause 7.1.1 (Residential Density Limitations) of the Scheme to allow a density of one dwelling per 76.4m² of site area instead of the required 85m² is acceptable as the non-compliance is considered a relatively minor departure from the requirements of the clause. Amendments to the design have resulted in a higher level of overall compliance with the minimum standards of the Scheme which suggests that the land is capable of supporting the development without unreasonably impacting on the surrounding area, and in this case, granting a variation is considered to achieve a much better outcome in terms of greater utilisation of an existing serviced and appropriately zoned allotment as encouraged by Clause 4.2(a) of the Scheme.
 - c) A variation to the front and rear setbacks required by Clause 7.3 (Building Setbacks of Residential Buildings) is considered to be acceptable in this instance as the departures are relatively minor. In addition, the siting of the building responds to the constraints of the site which could be considered to be special circumstances. The proposal was found to be generally consistent with the purpose of Clause 7.3.
 - d) 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) of the Scheme is considered acceptable in this particular instance. The proposal as presented to the side boundaries is articulated and includes blade walls, awnings, a varied roof form and a variety of window sizes and styles. The design features provided contribute to the reduced appearance of building massing and visual bulk.
2. Pursuant to section 51(e) of the *Planning Act*, in considering a development application the consent authority is required to take into account any submissions made under section 49. Two submissions were received in response to the application. Key concerns raised within the submissions relate primarily to the adequacy of on-site vehicle parking with submitters suggesting that visitor parking should be provided as the street is not of sufficient width to cater for additional on-street parking. The design complies with the minimum requirements of Clause 6.5.1 (Vehicle Parking) and there is currently no requirement in the Scheme for on-site visitor parking.

ACTION: Notice of Determination

ITEM 6
PA2015/0112
APPLICANT

SUBDIVISION TO CREATE THREE LOTS
LOT 5182 (213) DICK WARD DRIVE, TOWN OF DARWIN & LOT 8630 (95) DICK
WARD DRIVE, TOWN OF NIGHTCLIFF
PLANIT CONSULTING PTY LTD

DAS tabled further information from the applicant.

Mr Adam Smith and Ms Julie Giguere (Planit Consulting Pty Ltd).

Ms Helen Secretary, (Gwalwa Daraniki Association Inc) and Mr Albert Trees attended.

Submitters who sent their apology:- Ms Pamela Trotman, Ms Annie Lord and Ms Anne-Marie Grant.

A total of 31 people attended including.

Submitters in attendance:- Mr William Day, Mr Sab Lord, Ms Donna Jackson, Mr Jack Philips, Mr Graham Kirby, Ms Gail Haydon, Ms Margaret Clinch (PLAN: The Planning Action Network), Ms Vanessa Kaye, Mr Rob Inder-Smith, Ms Lyn Drury

Other parties who attended:- Mr Ernie Chin, Mr Robert Mills, Mr David Morris, Mr Fred Vant Sand, Ms Sally Bothroyd (ABC).

Mr Mills (Larrakia National Aboriginal Corporation) tabled a media release dated 16 March 2015.

Pursuant to section 102(2)(b) of the *Planning Act*, at 2.30 pm the Chairman directed that the meeting be closed to the public.

RESOLVED
73/15

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 5182 (213) Dick Ward Drive, Town of Darwin and Lot 8630 (95) Dick Ward Drive, Town of Nightcliff for the purpose of a subdivision to create three (3) lots, to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

1. Additional information (or amended plans) that better address the purpose of Zone CN (Conservation) and demonstrate that the subdivision (including stormwater drainage) will not result in any additional adverse impacts on adjacent land;
2. Confirmation that the hydrological assessment provided with the application is the correct version, or provision of the most up-to-date version for consideration and circulation to service authorities;
3. Confirmation of the location of the sacred site recorded within the proposed lot. All plans provided with the application are to be amended to accurately show this location including but not limited to filling plans, stormwater plans and hydrological assessment plans.
4. Submission of a stormwater drainage plan that accords with the hydrological assessment and previously approved plans (for the filling of the site) showing existing formal/informal drainage arrangements/infrastructure;
5. Further information that demonstrates resolution of concerns raised by the City of Darwin in relation to vehicle access arrangements. Resolution of Council's

- concerns may require the preparation of and submission of a Traffic Impact Assessment to Council to better inform its position;
6. Any other additional information considered relevant or any plan amendments required as a result of the above.

REASON FOR DECISION

1. Pursuant to section 46(4)(b) of the *NT Planning Act*, the consent authority may defer consideration of an application to enable to applicant to provide additional information that the consent authority considers necessary.
2. Pursuant to section 51(a) of the *NT Planning Act*, the consent authority must give consideration to any planning scheme that applies to the land to which the application relates. The consent authority considers that additional information is necessary to determine whether the proposal complies with the applicable requirements of the NT Planning Scheme.
3. Additional information is requested to address the requirements of service authorities including the City of Darwin.

ACTION: Advice to the applicant

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



ROBERT ELIX
Delegate

1/4/15

