



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 196 – FRIDAY 7 SEPTEMBER 2012

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

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

APOLOGIES: Garry Lambert

OFFICERS PRESENT: Margaret Macintyre (Secretary), Hanna Stevenson, Peter Sdraulig, Michael O'Neill, Tony Brennan and for part of the meeting Israel Kgosiemang (Development Assessment Services)

COUNCIL REPRESENTATIVE: Cindy Robson (Strategic Town Planner) – Item 7 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 **CHANGE OF USE FROM SHOWROOM SALES AND WAREHOUSE TO MEDICAL**
PA2012/0533 **CLINIC (TENANCY 3)**
 LOT 8010 (44) STUART HIGHWAY, TOWN OF DARWIN
APPLICANT **MASTERPLAN NT**

Mr Brad Cunnington (Masterplan NT), Mr Hully Liveris (Architect) and Mr Terry Finocchiaro (owners) attended.

Mr Cunnington tabled a carpark availability assessment, and a copy of bus routes maps for buses in the area.

RESOLVED
218/12

That, the Development Consent Authority reduce the car parking requirement from 117 bays to 103 bays pursuant to Clause 6.5.2 (Reduction in Parking Requirements) of the Northern Territory Planning Scheme and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 8010 (44) Stuart Highway, Town of Darwin for the purpose of change of use from showroom sales and warehouse to medical clinic (Tenancy 3), subject to the following conditions:

1. The works carried out under this permit shall be in accordance with drawing number 2012/0523/1 endorsed as forming part of this permit.
2. The use and development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities, and electricity to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
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.

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. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to Council.

REASONS FOR THE DECISION

1. The proposal is consistent with the purpose of Zone SC (Service Commercial) which is to provide for commercial activities which, because of the nature of their business or size of the population catchment, require larger sites.
2. Having considered the relevant criteria under clause 6.5.2 (Reduction in Parking Requirements) of the NT Planning Scheme, a reduction of 14 car parking spaces (from 117 to 103) is considered warranted based on a car park availability assessment (dated 6 September 2012), which demonstrates that the on-site car park is underutilised and has adequate capacity to accommodate the additional car parking generated by the medical clinic.

ACTION: Notice of Determination

ITEM 2 **4 X 3 BEDROOM MULTIPLE DWELLINGS IN 2 X 2 STOREY BUILDINGS**
PA2012/0512 **LOT 8537 (7) SABINE ROAD, TOWN OF NIGHTCLIFF**
APPLICANT **NEVILLE JONES SERVICES**

Mr Neville Jones (Neville Jones Services), Mr Hully Liveris (Architect) and Mr Peter McGrath (owner) attended.

RESOLVED
219/12

That the Development Consent Authority vary the requirements of clause 7.3 (Building Setbacks of Residential Buildings) and clause 7.5 (Private Open space) 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 8537 (7) Sabine Road, Town of Nightcliff for the purpose of 4 x 3 bedroom multiple dwellings in a 2 x 2 storey building, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of works a full set of 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 three 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 a suitable (1m x 1m or 3.5m x 3.5m) electricity easement meeting Power and Water Corporation's requirements, to the satisfaction of the consent authority;
 - (b) a landscaping plan showing details with regards to plant species and quantities along the rear, southern western side and front boundaries which softens the visual impact of the built form on the nearby residential area, to the satisfaction of the consent authority;

- (c) provision of 1.8m solid fence to the private open spaces of each dwelling, to the satisfaction of the consent authority; and
- (d) detailed drawings showing the location of air-conditioning condensers, to the satisfaction of the consent authority.

GENERAL CONDITIONS

- 2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
- 3. 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. Storm water is to be collected and discharged into the drainage network to the technical standards of and at no cost to City of Darwin 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 plan in accordance with the authorities' requirements and relevant legislation at the time.
- 6. 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 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, City of Darwin, and to the satisfaction of the consent authority.
- 8. 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.

9. 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.
10. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
11. 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.
12. 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.
13. 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.
14. All balconies are to be internally drained and discharge is to be disposed of at ground level and in a manner consistent with storm water disposal arrangements for the site to the satisfaction of the consent authority.
15. Storage for waste disposal bins is to be provided to the requirements of City of Darwin, to the satisfaction of the consent authority.
16. The multiple dwellings are to be constructed such that they meet the acoustic performance ratings given in Australian Standard AS 2021 – 2000 (Acoustics – Aircraft Noise Intrusion – Building Siting and Construction).

NOTES:

1. PAWC 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.
2. The Power and Water Corporation (PAWC) advise that the water service to the units is to be multi-metered.
3. PAWC advise that the developer/ applicant is required to make payment in accordance with the Power and Water Corporation's 'water and sewerage services extension policy' (WASSEP) prior to the receipt of development clearance from PAWC.
4. The Department of Natural Resources, Environment, The Arts and Sport (NRETAS) advises that construction work should be conducted in accordance with the NRETAS Noise guidelines for development sites. The guidelines specify that on-site construction activities are restricted to between 7am and

7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

REASONS FOR THE DECISION

1. The development is consistent with the primary purpose of Zone MD (Multiple Dwelling Residential), which is to “provide for a range of housing options to a maximum height of two storeys”.
2. The development is in line with the secondary purpose of Zone MD (Multiple Dwelling Residential) in that it is of a “scale, character and architectural style” that is “compatible with the streetscape and surrounding development”, and is largely compliant with the applicable controls.
3. A variation to the requirements of this clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme for a reduced front setback from 6m to 5.8m is supported in this instance as the encroaching part of the kitchen is considered to be minor and unlikely to have adverse effect on the streetscape.
4. A variation to the requirements of this clause 7.5 (Private Open Space) of the NT Planning Scheme to reduce the private open space to Unit 3 from 45m² to 44.5m² is supported as the reduction is considered to be minor and unlikely to have adverse effect on the amenity of its occupants.
5. The subject site is within the 20 - 25 ANEF contour. A ‘house’ (i.e. multiple dwelling) is conditional acceptable on land in the 20 – 25 ANEF contour area. Under the applicable Australian Standard, uses that are in the ‘conditionally acceptable’ range may be approved if buildings include appropriate sound proofing measures in their construction. The condition relating to the relevant sound proofing measures is required to ensure compliance with the standard.

ACTION: Notice of Consent and Development Permit

ITEM 3 **ADDITION OF A COMMERCIAL AND INDUSTRIAL DEVELOPMENT**
PA2012/0523 **COMPRISING GENERAL INDUSTRY, LIGHT INDUSTRY, SHOWROOM SALES**
 AND OFFICES IN 5 X 2 STOREY BUILDINGS
 PORTIONS 1665 & 1666 (116) & (120) COONAWARRA ROAD, HUNDRED OF
 BAGOT
APPLICANT **MASTERPLAN NT**

Mr Brad Cunnington (Masterplan NT) and Mr George Savvas attended.

**RESOLVED
220/12**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lots 1665 & 1666 (116 & 120) Coonawarra Road, Hundred of Bagot for the purpose of addition of a commercial and industrial development comprising general industry, light industry, showroom sales and offices in 5 x 2 storey buildings.

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 to the requirements of City of Darwin. This plan is to include details of site levels and stormwater drain connection points within the vicinity of the site.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with drawing numbers 2012/0523/1 through 2012/0523/22 endorsed as forming part of this permit.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities, and electricity to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
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 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.
6. Storm water is to be collected and discharged into the local drainage network to the technical standards of, and at no cost to, the Land Administration Division Department of Lands, Planning and the Environment and Road Network Division of the Department of Transport, or City of Darwin as the case may be, to the satisfaction of the consent authority.
7. No polluted and/ or sediment laden run-off is to be discharged directly or indirectly onto adjacent land, roadways and stormwater drainage systems.
8. 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 Department of Lands and Planning, to the satisfaction of the consent authority.

9. 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;
 - (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.
11. External lights must be designed, baffled and located to the satisfaction of the consent authority to prevent any adverse effect on adjoining land and roads.
12. All proposed works within, or impacting upon, the Tiger Brennan Drive road reserve shall be in accordance with the standards and specifications of the Department of Lands and Planning. Design drawings must be submitted to Road Network for Road Agency Approval and no works are to commence prior to gaining approval.
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.
15. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
16. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
17. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
18. Storage and collection for waste disposal bins is to be provided to the requirements of City of Darwin to the satisfaction of the consent authority.
19. An Occupancy Permit under the *Building Act* shall not be granted until such time as Portions 1665 & 1666, Hundred of Bagot have been consolidated and a new title issued in respect of that consolidated allotment.

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. Notwithstanding the approved plans, any proposed works (including landscaping) within Council's road reserve 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, all signage is subject to City of Darwin approval, at no cost to Council.
4. The Developer, his contractor or Service Provider is required to obtain a "Permit to Work within a Road Reserve" from the Department of Construction and Infrastructure prior to commencement of any works within the Tiger Brennan Drive road reserve.
5. The developer is required to contact 'Dial Before You Dig' on 1100 to obtain a location of the Telstra Network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.
6. The finish of any prime identification sign, if erected, shall be such that, if illuminated, day and night readability is the same and is of a constant display (ie. not flashing or variable message). The sign shall be positioned so as not to create sun or headlight reflection to motorists, and be located entirely (including foundations and aerially) within the subject lot.

REASON FOR THE DECISION

1. Whilst the Development Assessment Services report to the Development Consent Authority recommended that the application be refused, it is the view of the Development Consent Authority in its consideration of the matters under section 51 of the *Planning Act*, that the application warranted approval for the reason forming Reasons for Determination 2 outlined below.
2. Pursuant to section 51(a) of the *Planning Act*, the Development Consent Authority must take into consideration the Planning Scheme that applies to the land to which the application relates. The site is located within Zone GI (General Industry) of the NT Planning Scheme, the primary purpose of which is to provide for general industry and where 'offices are expected to primarily provide a service to the general industry in the zone and be of a size commensurate with the service provided'. The consent authority considers that the mixed use nature of the proposed development, and the site's location within an industrial area would most

likely result in the standalone offices servicing the industry in the area. Further, while the consent authority notes the amount of standalone office space proposed, the NT Planning Scheme gives insufficient direction by which to determine what amount of office space would (or would not) be 'commensurate with the service provided'. As such, there is insufficient justification to refuse the application.

ACTION: Notice of Consent and Development Permit

**ITEM 4
PA2012/0286
APPLICANT**

**INSTALLATION OF WIND TURBINE (15M IN HEIGHT)
LOT 9739 (49A) FRESHWATER ROAD, TOWN OF NIGHTCLIFF
HEINER STRUCTURAL ENGINEERING CONSULTANTS PTY LTD**

Ms Annette Joseland (Heiner Structural Engineering Consultants Pty Ltd) and Peter McGrath (owner) attended.

Submitters Mr Col and Mrs Jenny Cordingley and Mr Norman and Mrs Cindy Millington attended.

**RESOLVED
221/12**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 9739 (49A) Freshwater Road, Town of Nightcliff for the purpose of the Installation of a Wind Turbine (15m in height) on a site in Zone SD11 (Specific Uses – Darwin) 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:

- A detailed acoustic report prepared by a certified acoustic engineer which models and predicts the future noise impacts of the proposed 4kw wind turbine on the adjoining and nearby land. The report should consider a variety of climatic conditions and ambient noise levels. Additionally, a conclusion drawn as to the noise impacts of the proposed wind turbine on the surrounding noise receptors.
- A written invitation should be extended to surrounding residents to view an existing wind turbine in operation such as the turbine installed in Palmerston by the applicant. Should the applicant desire, this site inspection can be arranged to coincide with the Development Consent Authority meeting that the application is next scheduled to be heard at and Development Consent Authority members can attend.

REASON FOR THE DECISION

1. An acoustic study and site inspection will enable the impacts of the wind turbine to be adequately gauged by the Development Consent Authority and the suitability of the turbine in the proposed setting be accurately determined.

ACTION: Advice to Applicant

ITEM 5
PA2012/0521
APPLICANT

**CHANGE OF USE FROM SHOP TO MEDICAL CLINIC (TENANCY 4)
LOT 10490 (11) VANDERLIN DRIVE, TOWN OF NIGHTCLIFF
IRWIN CONSULT PTY LTD**

Pursuant to section 97 of the *Planning Act*, Mrs Jeanette Anicotmatis, a member of the Development Consent Authority declared an interest and absented herself from the meeting for the deliberation of this item.

Ms Sandra Howlin (Irwin Consult Pty Ltd) attended.

Submitter:- Ms Myra Ramsey attended.

**RESOLVED
222/12**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Tenancy 4, Lot 10490 Vanderlin Drive, Town of Nightcliff for the purpose of a change of use from shop to medical clinic, subject to the following conditions:

GENERAL CONDITIONS

1. Works carried out under this permit shall be in accordance with the drawings numbered 2012/0521/1 through to 2012/0521/3, 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. 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.
4. 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. Notwithstanding the approved plan, all signage is subject to approval from the City of Darwin, and is to be at no cost to the City of Darwin.
2. The Power and Water Corporation advises 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 1 month prior to construction works commencing in order to determine the servicing requirements of the Corporation, and the need for upgrading of on-site and/or surrounding infrastructure.

REASONS FOR THE DECISION

1. The use accords with the primary purpose of Zone C (Commercial), which is, "to provide for a range of business and community uses".
2. The proposed change of use of part tenancy from shop to medical clinic provides adequate car parking spaces to cater for the development on site as per the requirements of the Northern Territory Planning Scheme and is compliant against all other applicable requirements. Furthermore, City of Darwin, in their care and control capacity over the local street network has not raised any direct issues with respect to road congestion or on-street car parking.

ACTION: Notice of Consent and Development

ITEM 6 3 X 1 AND 12 X 2 BEDROOM MULTIPLE DWELLINGS IN A 4 STOREY BUILDING
PA2012/0518 INCLUDING GROUND LEVEL CAR PARKING
APPLICANT LOT 2699 (11) DRYSDALE STREET, TOWN OF DARWIN
GREENSPACE GROUP PTY LTD

Ms Tammy Newman and Mr Adam Walker (DKJ Projects) and Mr Steven Koukouvas (owner) attended.

RESOLVED
223/12

That the Development Consent Authority vary the requirements of clause 6.5.3 (Parking Layout) and clause 7.1.1 (Residential Density Limitations) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 2699 (11) Drysdale Street, Town of Darwin for the purpose of 3 x 1 bedroom and 12 x 2 bedroom multiple dwellings in a 4 storey building including 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), 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 the City of Darwin, 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 provide:
 - evidence of an agreement with the Power and Water Corporation in respect to the existing sewerage easement on Lot 2699, Town of Darwin, which is to be moved or extinguished, to the requirements of the Power and Water Corporation; and
 - amended plans showing an improved site line at crossover to Drysdale Street to the requirements of City of Darwin to the satisfaction of the consent authority.

GENERAL CONDITIONS

3. Works carried out under this permit shall be in accordance the plans 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, sewerage facilities and electricity and telecommunication networks to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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.

12. 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.
13. 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.
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. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.
16. Soil erosion and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

NOTES:

1. Notwithstanding the approved plans, any works and/ or landscaping within Council's road reserve is subject to Council's approval and shall meet all Council's requirements to the satisfaction of the City of Darwin and at no cost to Council.
2. The Power and Water Corporation advises that:
 - The current local infrastructure cannot sustain the necessary fire fighting flows for the development and as a result the developer will be required to contribute towards the upgrade of the local water reticulation infrastructure. The applicant/ developer should contact Power and Water Corporation's Services Development Technical officers prior to the commencement of works to discuss water supply and contribution requirements.
 - Payment is to be made in accordance with PAWC's 'water and sewerage services extension policy' (WASSEP) prior to the receipt of development clearance from PAWC.
 - The Power and Water Corporation advises 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 1 month prior to construction works commencing in order to determine the servicing requirements of the Corporation, and the need for upgrading of on-site and/or surrounding infrastructure.
3. The Department of Natural Resources, Environment, The Arts and Sport (NRETAS) advises that construction work should be conducted in accordance with the NRETAS 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.

4. The developer is to contact Telstra via the following website prior to any work commencing to facilitate the installation of the Telstra network: <http://www.telstrasmartcommunity.com/>, and is to register the development with NBN Co at <http://www.nbnco.com.au/getting-connected/new-developments.html>.
5. Telstra advises that the developer is required to contact "Dial Before You Dig" on 1100 to obtain a location of the Telstra network, and arrange for any removal or relocation if required.

REASONS FOR THE DECISION

1. The proposal to develop the site for the purpose of 3 x 1 bedroom and 12 x 2 bedroom multiple dwellings in a 4 storey building including ground level carparking is consistent with the primary purpose of Zone MR (Medium Density Residential), which is to "provide for a range of housing options to a maximum height of four storeys above ground level", and that the development is considered to be of a "scale, character and architectural style [that is] compatible with the streetscape and surrounding development".
2. A variation to subclause 3(g) of clause 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme is supported as the non-compliance is minor, landscaping is provided to the street frontages in addition to screen fencing (a 1.8m high blockwork fence to each street frontage with aluminium louvre panels at intervals to reduce its bulk), and the non-compliance described will not impact on the development's ability to satisfy the purpose of the clause, to "ensure that a carparking area is appropriately designed, constructed and maintained".
3. A variation to clause 7.1.1 (Residential Density Limitations) of the Northern Territory Planning Scheme is supported as the proposed departure represents a minor variation of 7m² per unit, and is in line with the purpose of the clause, for development to be of a "density that is compatible with the existing and planned provision of reticulated services and community facilities that will service the area and is consistent with land capability". The units are of a reasonable size and the development is largely compliant with all relevant requirements of the Northern Territory Planning Scheme. Furthermore, the development gives consideration to clause 4.2(a)(iii) of the Northern Territory Planning Scheme, which seeks to provide for the "orderly and appropriate expansion of development in the [Darwin] region that maximises existing development options, including urban infill".
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.

5. There is a requirement for the applicant/ developer to liaise with the Power and Water Corporation with regard to moving or extinguishing the sewerage easement that currently extends through Lot 2699, Town of Darwin, as the development would be unable to proceed in its current form if the easement was to remain in this location.

ACTION: Notice of Consent and Development Permit

ITEM 7 **SHOPS AND OFFICES IN A 19 STOREY BUILDING**
PA2012/0450 **LOTS 2311, 2312 & 5565 (23), (21) & (19) THE MALL & LOTS 5313, 5314, 5321**
 (6A), (6) & (15) WEST LANE, TOWN OF DARWIN
APPLICANT **JUNE D'ROZARIO & ASSOCIATES PTY LTD**

DAS tabled a letter from Council giving authorisation as a landowner.

Ms June D'Rozario (June D'Rozario & Associates), Ross Connolly (MKEA Architects) and Mark Jagla (Paspaley) attended.

Ms D'Rozario tabled a response to parking issues raised in the assessment report.

RESOLVED
224/12

That, the Development Consent Authority reduce the car parking requirement from 460 bays to 371 bays pursuant to Clause 6.5.2 (Reduction in Parking Requirements) of the Northern Territory Planning Scheme and that, the Development Consent Authority vary the requirements of Clauses 6.3.2 (Volumetric Control in Central Darwin), 6.5.1 (Parking Requirements), 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 Lots 2311, 2312, 5313, 5314, 5321 & 5565 Town of Darwin (19, 21 & 23 The Mall and 6, 6A & 15 West Lane, Darwin City) for the purpose of shops and offices in a 19 storey building, 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) a notation of the 10 shower cubicles on the mezzanine floor;
 - (b) sliding doors or doors which open inwards rather than outwards over City of Darwin property;
 - (c) adequate access to the indoor substation, to the requirements of the Power and Water Corporation;

- (d) any changes resulting from discussions with the Power and Water Corporation regarding the water servicing of the site, to the requirements of Power and Water Corporation;
 - (e) treatment of the Smith Street Mall façade of the car park podium to mitigate its visual impact on The Mall as well as add visual variety and interest to the building.
2. Prior to the endorsement of plans and prior to the commencement of works, a landscape plan to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and two copies must be provided. The plan must show:
 - (a) 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
 - (b) provision of an in ground irrigation system to all landscaped areas.

All species selected must be to the satisfaction of the consent authority.
 3. Prior to endorsement of plans and prior to the commencement of works (including site preparation), written advice from City of Darwin is required confirming that the Traffic Impact Assessment prepared by i3 consultants WA dated 15/06/2012, and its recommendations in regard to changes to the local road network, is to the requirements of Council, to the satisfaction of the consent authority.
 4. Prior to the commencement of works (including site preparation) a 'Comprehensive Traffic Management Plan' shall be prepared to the satisfaction of the Department of Transport's Public Transport Division that addresses the ongoing provision of public transport services during construction.
 5. Prior to the commencement of works (including site preparation), the applicant is to prepare a Waste Management Plan demonstrating waste disposal, storage and removal, to the requirements of the City of Darwin and to the satisfaction of the consent authority.
 6. Prior to the commencement of works (including site preparation), the applicant is to prepare a schematic plan demonstrating that all stormwater can be collected on the site and discharged to the City of Darwin's stormwater drainage system, to the requirements of the City of Darwin and 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. 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. Any easements required for the reticulation of water supply, drainage, sewerage facilities, electricity or telecommunication services shall be provided in accordance with the relevant authority's requirements and applicable legislation at the time, at no cost to those authorities.
10. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and telecommunication networks to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
11. An Occupancy Permit under the *Building Act* must not be issued until all land affected by the development (including where the building overhangs the site) has been consolidated and a new title issued for the consolidated lot and/or necessary easements for the overhanging building have been provided.
12. Before the use commences the owner must, in accordance with section 70(3) of the *Planning Act*, provide 371 car parking bays. In accordance with section 70(5) of the *Planning Act*, 96 of the required parking bays may be provided through the payment of a monetary contribution to the City of Darwin. The contribution is to be calculated in accordance with the requirements of section 70(6) of the *Planning Act*.
13. Before the use commences the owner must, in accordance with Section 70(5) of the *Planning Act*, pay a monetary contribution to the City of Darwin for any on-street car parking bays on Bennett Street lost as a result of the development. The contribution is to be calculated in accordance with the requirements of Section 70(6) of the *Planning Act*.
14. 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.
15. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin to the satisfaction of the consent authority.
16. All works recommended by the Traffic Impact Assessment are to be completed to the requirements of the City of Darwin.
17. All proposed works impacting on Bennett Street and West Lane 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 City of Darwin. Drawings must be submitted to the City of Darwin for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".
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 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.
20. 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) drained;
 - (c) line marked to indicate each car space and all access lanes; and
 - (d) 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.
21. The loading and unloading of goods from vehicles must only be carried out on the land within the designated loading bays and must not disrupt the circulation and parking of vehicles on the land.
22. 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.
23. 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.
24. 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.
25. 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.
26. 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. The development and use hereby permitted should be designed, constructed, registered and operated in accordance with the Building Code of Australia, the *NT Public Health Act and Regulations*, the *NT Food Act* and National Food Safety Standards.
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, 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.
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 Natural Resources Management Division, Department of Land Resource Management.
6. The Department of Natural Resources, Environment, The Arts and Sport advises that construction work should be conducted in accordance with the NRETAS 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.
7. 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.
8. Telstra advises that the developer is required to contact "Dial Before You Dig" prior to any development commencing to obtain a location of the Telstra Network and arrange for any relocation if required.
9. The Department of Defence has advised that separate approval is required should any permanent or temporary structures exceed 90 metres above ground level.
10. Darwin International Airport has advised that separate approval is required should any temporary structures infringe the OLS (147m AHD) and PANS-OPS surfaces (122m AHD).
11. Car parking bays 2.4 metres in width should be used for employee parking only.

REASONS FOR THE DECISION

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 volumetric controls of Clause 6.3.2 (Volumetric Control in Central Darwin) of the Northern Territory Planning Scheme is supported as the development is generally consistent with the purpose of the clause. Whilst the proposed design might impact potential view corridors from certain points, it would also maximise view corridors from other points to a certain extent due to the elliptical shape of the tower and only partial coverage of the site. Development of this unusual L-shaped site in accordance with the volumetric controls of the clause would likely result in a more regular built form with a more even coverage of the site, which would not necessarily represent a better outcome in terms of maximising view corridors and breeze penetration, whereas the proposed elliptical shape of the tower is considered to respond positively to the purpose of the clause.

The site is bounded by roads and public thoroughfares on three sides, and the location of the tower within the site and the nature of surrounding development is such that the setback non-compliances would not compromise the privacy of residents of any future residential development on adjacent and nearby properties.

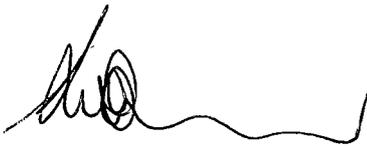
3. Pursuant to Clause 6.5.2 (Reduction in Parking Requirements), a reduction of 24 of the car parking spaces required is supported due to the provision of bicycle parking. Considering the large scale of the office component and various Australian bicycle parking guidelines explained by the applicant at the meeting, the development generates a legitimate demand for 97 bicycle spaces, for which (at a rate of 1 car park per 4 bicycle bays provided), a reduction of 24 car parking spaces is considered justified.
4. Pursuant to Clause 6.5.2 (Reduction in Parking Requirements) and taking into account subclauses 51 (h), (n), (p) and (r) of the *Planning Act*, a reduction of 65 of the car parking spaces required is supported, 65 being the lesser of the additional number of car parking spaces that could have been provided if the car park podium extended to the eastern corner of the site. Whilst the original section of the colonnade is not listed on the NT Heritage Register, it is still considered appropriate that its retention be considered under this clause as grounds for a reduction in parking required, given its obvious heritage value and the support for its retention from the then Department of Natural Resources, Environment, The Arts and Sport, which directly advises the Minister responsible for administering the *Heritage Conservation Act*.

Were the podium to extend to the eastern corner, it would likely overshadow the colonnade and result in an adverse impact on the Smith Street Mall/Bennett Street streetscapes and public realm, which would conflict with the reasoning behind the retention of the colonnade.

5. A variation to the on-site provision of parking spaces required under Clause 6.5.1 (Parking Requirements) is supported as a payment in lieu to the City of Darwin for 96 spaces will ensure that parking will be made available in the locality in the long term, and the provision of parking for commercial uses in a publicly accessible centralised pool promotes land use efficiency and improves availability of parking to the full community.
6. A variation to the car park layout dimension requirements of Clause 6.5.3 (Parking Layout) is supported in light of the car park layout being generally compliant with Australian Standards relevant to off-street car parking in commercial developments.
7. A variation to Clause 6.6 (Loading Bays) is supported considering the scale of the ground floor shop tenancies proposed and the predominant office use of the building. The loading area proposed is considered capable of accommodating the size and number of loading vehicles expected for a development of this nature.
8. A landscaping plan is required as the proposed pre-cast concrete panels and metal screening construction of the car park podium would not be sympathetic to the Smith Street Mall and would likely present as a harsh and bare aspect of the building when viewed from the Mall.

ACTION: Notice of Consent and Development Permit

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



PETER MCQUEEN
Chairman

14/9/12