



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 167 – FRIDAY 6 MAY 2011

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

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

APOLOGIES: Nil

OFFICERS PRESENT: Mone Coats-Ross (Acting Secretary), Doug Lesh, Hanna Stevenson (Second Session only) Steven Conn, Kate Smyth (First Session only) and Peter Sdrauilg (Development Assessment Services)

COUNCIL REPRESENTATIVE: Cindy Robson and Joseph Sheridan

Meeting opened at 8.45 am and closed at 11.40am

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 **MIXED USE DEVELOPMENT COMPRISING GROUND LEVEL**
PA2011/0203 **OFFICES AND SHOPS AND 18 X 2 BEDROOM MULTIPLE DWELLINGS**
 IN A 3 STOREY BUILDING PLUS BASEMENT CAR PARKING
 LOT 7625 (157) RYLAND ROAD, TOWN OF NIGHTCLIFF
APPLICANT **JUPITUR (NT) PTY LTD**

DAS tabled an addendum concerning late response received from Darwin City Council

George Savvas attended on behalf of Jupitur (NT) Pty Ltd.

Submitter Danielle Bodagh attended, also speaking on behalf of submitters Elizabeth Morris and Wendy Scarlett who were unable to attend.

Unknown attendee; did not address the authority.

RESOLVED
84/11

That pursuant to Section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lots 7625 and 7626, Town of Nightcliff for the purpose of a mixed use development comprising ground level offices and shops and 18 x 2 bedroom multiple dwellings in a 3 storey building plus basement carparking, pending submission of the following additional information considered necessary for proper consideration of the application:

1. Information addressing the potential for a minimum setback of 2m for the building component closest to Lot 569, for a maximum length of 21m.
2. Confirmation from the Department of Lands and Planning's *Public Transport* division that the crossovers proposed on Ryland Road will not unreasonably impact on the two existing bus stops on Ryland Road in proximity of the subject site.
3. Either removal of the parking bays shown within the Nightcliff Road verge from the plans, or confirmation of their acceptance from Darwin City Council.
- (a) In the event that acceptance is gained from Darwin City Council for the inclusion of these bays into the road verge it is recommended that 1 of the bays be widened to satisfy the dimensional requirements of the Building Code of Australia for a disabled carparking space.
4. Confirmation that the proposed waste bin storage area will be capable of satisfying Darwin City Council's Waste Management Policy No. 54.
5. A schematic plan to demonstrate how stormwater will be collected on the site and discharged to Council's stormwater drainage system, to the requirements of Darwin City Council.

6. The provision of a landscaping plan for the ground level, which is to include a planting schedule specifying plant species, quantities, pot sizes and size at maturity for all plants to be provided on site, with specific consideration given to screening to the northeastern and southeastern boundaries.
7. Details of the screening to the balconies and windows, as identified on the submitted floor plans, with an emphasis on the potential impacts on the adjoining residential properties.
8. Details of the various treatments of the boundary walls to the northeastern and southeastern boundaries, with particular consideration given to the adjoining residential properties.
9. Information with regard to the ability to set the basement further into the ground, thus bringing the ground level commercial component to grade thereby improving the presentation and interface to the street, and reducing the overall height of the building in the context of the surrounding 1 and 2 storey buildings.
10. Information with regard to the exact locations of air conditioning condensers for the commercial tenancies of the development located away from adjoining residential properties.
11. Information with regard to the potential to provide additional screening to the pool area to prevent loss of privacy for adjoining residential properties due to overlooking.

REASONS FOR THE DECISION

1. The building component closest to Lot 569 could potentially be shifted .5 metres away from the adjoining residential property in order to reduce any impacts from building massing. Information is required from the applicant in regard to the impact such a redesign could potentially have on other aspects of the development (and the streetscape).
2. Confirmation is requested from the Department's *Public Transport* division as the amount of traffic using the proposed development will likely be well above that of the most recent use on Lot 7625, and the close proximity of the bus stop on the southern side of Ryland Road to the proposed crossover could potentially impact on sight lines.
3. Resolution of the provision of parking bays within the Nightcliff Road verge needs to occur as Darwin City Council does not support the use of the public road reserve for parking associated with this private development.
 - (a) It is noted that if the acceptability of these spaces is given by Council, that the provision of one (1) of the bays for disabled access is recommended as it is considered necessary that a minimum of one parking bay be provided in an easily accessible location.

4. A waste management plan is required to ensure that the site can be appropriately serviced by Darwin City Council's waste collection vehicles. This matter is to be resolved prior to a rehearing by the DCA as it has the potential to alter the plans.
5. Council requires a stormwater drainage plan to confirm that it is technically feasible to collect stormwater on the site and dispose of it into Council's stormwater drainage system, and that stormwater will not sheet-flow into the road reserve or onto adjoining properties.
6. An adequate landscaping plan is required to ensure that the appearance of this space is acceptable, giving particular consideration to the amenity of abutting residential premises.
7. Details of the screening indicated on the plans is required to ensure adequate privacy between the proposed units and the existing residential dwellings to the northeast and southeast.
8. Details of the treatments to be provided to the boundary walls are required to ensure that they will be acceptable in terms of aesthetics and privacy, with special consideration given to the neighbouring residential premises.

ACTION

Advice to Applicant

ITEM 2
PA2011/0192
APPLICANT

16 X 3 BEDROOM SINGLE STOREY MULTIPLE DWELLINGS
LOT 9327 (125) DICK WARD DRIVE, TOWN OF NIGHTCLIFF
MICHAEL MAKRYLOS

DAS tabled an addendum concerning a late response received from Darwin City Council (DCC).

Applicants Michael Makrylos and Gina Makrylos attended the meeting and tabled Darwin City Council comments, Irwin Consult letter, Aircraft Noise Intrusion Assessment, Elevation plans and Proposed Courtyard Residences Scheme plan.

RESOLVED
85/11

That, the Development Consent Authority vary the requirements of clause 6.5.3 (Parking Layout) and clause 7.3.2 (Distance between Residential Buildings on One Site) of the NT 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 9327 (125) Dick Ward Drive, Town of Nightcliff for the purpose of 16 x 3 bedroom multiple dwellings in 16 single storey buildings, in 2 stages, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of works (including site preparation) 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) provision of a minimum 100 m² of private open space, including an area of minimum 5m x 5m for dwellings 5 & 8 as required by part 5(iv) of schedule SD33 (Specific Use Darwin 33) of the NT Planning Scheme;
 - (b) the plans notated to specify finished floor levels of all dwellings to be a minimum of 5.6m AHD; and
 - (c) provision of dimensioned and scaled plans, with all plans being consistent with each other.
2. Prior to endorsement of plans and 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, Department of Lands and Planning, or Department of Natural Resources, Environment, the Arts, and Sport stormwater drainage system as the case may be, to the requirements of that organisation, to the satisfaction of the consent authority.
 3. Prior to the endorsement of planes and prior to the commencement of works (including site preparation), information with regard to traffic management measures to be implemented to ensure only left in – left out turning movements to and from Dick Ward Drive, are to be provided to the satisfaction of the consent authority, with consideration given for the construction of a slip lane in consultation with Darwin City Council. Plans must be provided demonstrating restrictions for left in left out movements only, and showing swept paths movements at this intersection acceptable to Darwin City Council, to the satisfaction of the consent authority.
 4. Prior to the endorsement of planes and prior to the commencement of works (including site preparation), confirmation must be provided from Darwin City Council that waste collection vehicles can adequately service the development, to the satisfaction of the consent authority.

GENERAL CONDITIONS

3. Works carried out under this permit shall be in accordance with the plans endorsed as forming part of this permit.
4. Storm water is to be collected and discharged into the drainage network to the technical standards of and at no cost to Darwin City Council, to the satisfaction of the consent authority.
5. 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.

6. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
7. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Darwin City Council, to the satisfaction of the consent authority.
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 City of Palmerston 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. 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. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
14. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
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. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council to the satisfaction of the consent authority.
17. Prior to occupation of each stage of the development, a certified report by a qualified acoustic consultant must be submitted confirming that each dwelling incorporates aircraft noise mitigation measures that would produce night time indoor design sound levels not exceeding 50 Db(a) in bedrooms and 55 Db(a) in other habitable rooms, 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 developer is to contact Service Stream on 1800 773 776 or Commercial.leadin@servicestream.com.au prior to any work commencing to facilitate the installation of the Telstra Network.

REASONS FOR THE DECISION

1. The proposed development is consistent with the purpose of schedule SD33 (Specific Use Darwin 33) which is to facilitate the development and use of the land as a residential estate for a maximum of 16 dwellings.
2. A requirement for amended plans showing a minimum 5m x 5m area of private open space for dwellings 5 & 8 is considered necessary as insufficient justification for a variation to this requirement has been provided by the applicant.
3. The requirements for amended plans showing minimum finished floor levels is considered necessary to ensure dwellings are constructed in accordance with the requirements of part 5(ii) of schedule SD33 (Specific Use Darwin 33) of the NT Planning Scheme.
4. The requirement for all plans to be dimensioned and scaled is considered necessary to the inconsistencies between the plans under consideration.
5. A variation to clause 6.5.3 (Parking Layout) for a two-way accessway width of 5.5 instead of 6m is supported in this instance as the 5.5m width complies with the relevant Australian Standard AS/NZS 2890.1:2400 and therefore considered satisfactory in providing for convenient and functional car parking and vehicle access.

6. A variation to clause 7.3.2 (Distance between Residential Buildings on One Site) is considered satisfactory as the reduced distances between buildings are considered minor and should still achieve the overall objectives of clause 7.3 (Building Setbacks of Residential Buildings) which include to minimise building massing and to encourage breeze penetration through and between buildings.
7. The requirement for traffic management measures to be implemented to ensure left in – left out turning movements only are is necessary to ensure there are no adverse impacts on traffic safety along Dick Ward Drive as the result of the proposed development.
8. Confirmation from Darwin City Council that waste collection vehicles can adequately service the development is necessary to ensure that waste from the development can be efficiently removed.

ACTION

Notice of consent and development permit

**ITEM 3
PA2011/0144**

**UPGRADE OF EXISTING COMMUNITY CENTRE, INCLUDING
CULTURAL DISPLAY AREA
LOT 1369 (92) CAVENAGH STREET, TOWN OF DARWIN**

APPLICANT

MICHAEL ALAKIOTIS

Michael Alakiotis (applicant) and John Nicolakis (President of the Greek community) attended the meeting.

**RESOLVED
86/11**

That the Development Consent Authority vary the requirements of clause 6.3.3 (Urban Design Requirements in Central Darwin) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop lots 1369 and 5710 Cavenagh Street, Town of Darwin for the purpose of an upgrade of the existing community centre including cultural display area, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to obtain approval from Power and Water Corporation for development on/ over its easement or otherwise as required by Power and Water Corporation, to the satisfaction of the consent authority.
2. Prior to the commencement of works (including site preparation) a full set of amended plans must be submitted to, and approved by, the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions must be provided, and be generally in accordance with the plans submitted with the application but modified to show removal of the reference to 'proposed museum' on the floor plan, to be replaced with 'cultural display area', 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, drainage, sewerage facilities and electricity and telecommunications services to the land shown on the endorsed plan in accordance with the authorities' requirements.
6. Stormwater is to be collected and discharged into the drainage network to the technical standards of, and at no cost to, the Department of Lands and Planning, to the satisfaction of the consent authority.
7. 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.
8. The loading/ unloading of goods from vehicles must only be carried out on the land, and must not disrupt the circulation and parking of vehicles on the land.

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.

REASONS FOR THE DECISION

1. The upgrade to the existing community centre on Lot 1369 (92) Cavenagh Street, Town of Darwin is in line with the primary purpose of Zone CB, being to "provide for a diversity of activities including administrative, judicial, professional, office, entertainment, cultural, residential and retail, and other business activities, with a commitment to the separation of incompatible activities".
2. A variation to the requirements of clause 6.3.3 (Urban Design Requirements in Central Darwin) is considered acceptable as the building is largely existing and the inclusion of awnings to the street frontage and covered pedestrian linkages from Cavenagh Street to Daly Street would be largely impractical, as permitted through subclause 3. In addition, while all carparking is at ground level, this has been in place for a

considerable period of time and it is noted that there is landscaping around the perimeter of the site.

3. The development will see improved weather coverage, with verandahs/awnings extending around the perimeter of the community centre and a new covered link between the church and the community centre, increasing its useability.

ACTION

Notice of Consent and Development Permit

ITEM 4

EXTENSIONS TO AN EXISTING SINGLE DWELLING WITH REDUCED FRONT AND SIDE SETBACKS

**PA2011/0211
APPLICANT**

**LOT 7441 (81) HENBURY AVENUE, TOWN OF NIGHTCLIFF
JENENE MITCHELL**

DAS tabled an addendum concerning a late submission received from Darwin City Council.

Applicants Jenene Mitchell and Anthony Mitchell attended the meeting

**RESOLVED
87/11**

That the Development Consent Authority vary the requirements of clause 7.3 (Building Setbacks of Residential Building) of the NT Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to development of Lot 7441 (81) Henbury Avenue, Town of Nightcliff, subject to the following conditions:

CONDITION PRECEDENT

1. That prior to the endorsement of plans, and prior to commencement of works (including site preparation), notification of the affected neighbours at Lots 7440 and 7228 Town of Nightcliff shall be carried out to ensure they are aware of the dimensions of the proposed garage/guest room. To facilitate this Development Consent Authority will circulate the proposal, including dimensioned plans, to the affected neighbours. Neighbours will have two weeks to comment on the proposal. In the absence of a comment the Development Consent Authority will proceed with the endorsement of plans.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the plans endorsed as forming part of this permit.
3. A schematic plan is to be provided, demonstrating that all stormwater can be collected on the site and discharged underground to Council's stormwater drainage, to the requirements of Darwin City Council. This plan is to include details of site levels and stormwater drain connection points within the vicinity of the site.

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.

NOTE

1. This development permit does not grant "building approval" for the proposed structure. The Building Code of Australia requires that any structure within 900mm of a boundary meets minimum fire resistance level requirements and you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing demolition or construction works.

REASONS FOR RECOMMENDATION

1. The proposal is consistent with the purpose of Zone SD (Single Dwelling) which is 'to provide for single dwellings on individual lots.'
2. A variation to Clause 7.3 (Building Setbacks for Residential Buildings) is supported for the proposed carport as neighbours have indicated support for the proposal, and it is not considered to impact upon the streetscape nor unduly over look the street given the existence of significant existing screening vegetation along the street boundary. Further, the open sided nature of the proposed carport is not considered to contribute to building massing and will allow the continuation of existing breeze flows.
3. A variation to Clause 7.3 (Building Setbacks for Residential Buildings) is supported for the proposed guest room/storage as neighbours support the proposed development and as:
 - a. The proposed guest room/storage shed is not considered to impact on the streetscape as it is located at the rear of the property; and
 - b. The proposed guest room/storage shed is not considered to unduly overlook neighbouring properties as there are no openings to either of the affected neighbouring properties.
4. Due to the application including a reduced front setback the proposal was placed on public exhibition rather than the proposal, including plans, being sent to the affected neighbours. Given the unusual height of the proposed guest room/storage shed and the zero side and rear setbacks proposed for the guest room/storage shed the Development Consent Authority consider it prudent to distribute a copy of the application including dimensioned plans for comment to the affected neighbours prior to the endorsement of plans. Hence, the neighbours will have been given the opportunity to voice any objections to the proposal during discussions with the applicant, during the two week public exhibition period for the proposal and directly by the Development Consent Authority prior to the endorsement of plans.

ACTION

Notice of Consent and Development Permit

ITEM 5
PA2011/0166

28 X 2 BEDROOM AND 42 X 3 BEDROOM MULTIPLE DWELLINGS WITH
GROUND LEVEL COMMERCIAL SPACE IN AN 8 STOREY BUILDING, PLUS 3
LEVELS OF BASEMENT CAR PARKING
LOT 1532 (39) CAVENAGH STREET, TOWN OF DARWIN
APPLICANT RANDAL ASHFORD

DAS tabled an addendum as the applicant submitted additional information in response to clause 6.3.2 (Volumetric Control in Central Darwin) of the NT Planning Scheme.

Randal Ashford (Rad Designs) and Mathew Tomazos attended the meeting and tabled colour plans of the proposed mixed use development.

RESOLVED
88/11

That, the Development Consent Authority reduce the car parking requirement from 132 bays to 131 bays pursuant to clause 6.5.2 (Reduction in Parking Requirements) of the NT Planning Scheme, and vary the requirements of 6.3.2 (Volumetric Control in Central Darwin), clause 6.3.3 (Urban Design Requirements in Central Darwin), clause 7.5 (Private Open Space) and clause 7.6 (Communal Open Space) of the NT 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 1532 (39) Cavenagh Street, Town of Darwin for the purpose of 28 x 2 and 42 x 3 bedroom multiple dwellings with ground level commercial space (shop/ office/ restaurant) in an 8 storey building plus 3 levels of basement car parking, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of works (including site preparation) 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) car parking space Nos. 130 to 132 provided with a minimum height clearance of 2.2m as required by Australian Standard AS/NZS 2890.1:2004 – Parking Facilities;
 - (b) a roof plan showing all roof top plant and services, and designed, located and integrated to minimise their visual impact to the surrounding area;
 - (c) any changes to the ground floor layout as a result of Power and Water Corporation's requirements in respect to electricity supply; and
 - (d) any changes to the development as a result of the waste management plan and traffic impact assessment required by conditions 2 and 3 (respectively) of this permit.
2. Prior to endorsement of plans and prior to the commencement of works (including site preparation works), the applicant must prepare a waste management plan for the disposal, storage and removal of all waste from the site, and in particular demonstrating suitable and adequate waste collection

vehicle access (including adequate height clearance) to the requirements of Darwin City Council, to the satisfaction of the consent authority.

3. Prior to endorsement of plans and prior to the commencement of works (including site preparation works), a Traffic Impact Study is to be prepared to the requirements of, and at no cost to, Darwin City Council, to the satisfaction of the consent authority.
4. Prior to endorsement of plans and prior to the commencement of works (including site preparation), a Traffic Management Plan (TMP) must be provided to the consent authority addressing, but not limited to, how the developer will manage the free flow of buses past the site during the construction period, as required by the Public Transport Division of the Department of Lands and Planning, to the satisfaction of the consent authority.
5. Prior to endorsement of plans and 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 Darwin City Council and to the satisfaction of the consent authority.
6. Prior to endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to obtain written consent from Darwin City Council for all building elements which encroach into Council's road reserve, to the satisfaction of the consent authority.

GENERAL CONDITIONS

7. Works carried out under this permit shall be in accordance with the plans endorsed as forming part of this permit.
8. Before the use/ occupation of the development starts, all works identified within the Traffic Impact Study and Traffic management plan as required by conditions 3 and 4 (respectively) of this permit are to be undertaken to the requirements of, and at no cost to, Darwin City Council and the Public Transport Division of the Department of Lands and Planning as the case may be, to the satisfaction of the consent authority.
9. Before the use commences the owner must, in accordance with Part 6 of the *Planning Act*, pay a monetary contribution to Darwin City Council in accordance with Council's Developer Contribution Plans for Stormwater Drainage Works for Zone H, to the satisfaction of the consent authority.
10. Storm water is to be collected and discharged into the drainage network to the technical standards of and at no cost to Darwin City Council, to the satisfaction of the consent authority.
11. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, and electricity and telecommunication services to the land shown on the endorsed plan in

accordance with the authorities' requirements and relevant legislation at the time.

12. 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.
13. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Darwin City Council, to the satisfaction of the consent authority.
14. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways;
 - (c) collect stormwater and discharge it to the drainage network; and
 - (d) undertake reinstatement works;all to the technical requirements of and at no cost to Darwin City Council to the satisfaction of the consent authority.
15. 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.
16. 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.
17. Before the use commences the owner must, in accordance with Part 6 of the *Planning Act*, pay a monetary contribution to Darwin City Council in accordance with Council's Developer Contribution Plans for the loss of any on-street car parking spaces, to the satisfaction of the consent authority.
18. 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.
19. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

20. 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.
21. All air conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
22. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council to the satisfaction of the consent authority.

NOTES:

1. The Developer is to contact Service Stream on 1800 773 776 or Commercial.leadin@servicestream.com.au prior to any work commencing to facilitate the installation of Telstra Network.
2. 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.
3. Notwithstanding the approved plans, any proposed awning or building structure (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 or Infrastructure, Darwin City Council and at no cost to Council.

1. REASONS FOR THE RECOMMENDATION

1. The proposed development is consistent with the purpose of Zone CB (Central Business) which is to 'provide for a diversity of activities including administrative, judicial, professional, office, entertainment, cultural, residential and retail and other business activities with a commitment to the separation of incompatible activities'.
2. A variation to clause 6.3.2 (Volumetric Control in Central Darwin) for a reduction in setbacks for Tier 2 is supported as
 - (i) a reduced ground level, commercial floor height (from 5m to 3m), although achievable, thereby leaving only architectural embellishments above 25m, is considered to result in a significantly reduced level of amenity to the interface between the commercial ground level and the public realm, and result in a less than optimum outcome from that currently proposed and envisaged by clause 6.3.3 (Urban Design Requirements in Central Darwin) of the NT Planning Scheme;

- (ii) any requirement for the top floor to be setback in accordance with this clause would result in a building with adverse visual impact on the streetscape and wider surrounding area; and
 - (iii) the deletion of the top floor would result in an underutilisation of the site and contrary to intent of clause 4.2 (Darwin Region) of the NT Planning Scheme which aims to maximise existing development options.
3. A variation to clause 6.3.3 (Urban Design Requirements in Central Darwin) for a reduced length of active interface at ground level along the Edmunds Street frontage satisfactory as the provision of the required 75% length is considered impractical in this instance.
 4. A reduction of 1 car parking space (from 132 to 131) based on 1 parking bay for every 3 motorcycle bays (to a maximum of 5 motorcycle bays) is considered warranted as it provides legitimate parking opportunities in appropriate sized bays which will reduce demand for full sized car parking spaces to be used.
 5. A variation to clause 7.5 (Private Open Space) of the NT Planning Scheme is considered satisfactory as the connections between the balcony areas and appurtenant living room are designed to largely result in an extension of the open space into the appurtenant living rooms.
 6. A variation to clause 7.6 (Communal Open Space) of the NT Planning Scheme is considered satisfactory as the development provides for indoor communal swimming pool and gymnasium which provides similar recreational opportunities.
 7. The requirement for amended plans showing additional height clearance for car parking space numbers 130 to 132 will ensure that all car parking spaces are functional as required by clause 6.5.3 (Parking Layout) of the NT Planning Scheme.
 8. The requirement for amended plans showing roof top services is considered necessary to minimise their visual impact on the surrounding area, and to ensure their integration as required by part 2(g) of clause 6.3.3 (Urban Design Requirements in Central Darwin) of the NT Planning Scheme.
 9. The requirement for amended plans showing any design modifications as a result of any requirements of the waste management plan, traffic impact study and Power and water Corporation requirements is considered necessary to ensure all modifications are encapsulated in the final plans submitted for endorsement as part of any development permit issued.
 10. The use of glass balustrades is considered integral to the design of the building serving to effectively lighten the visual mass of the building.

11. The modernist architectural façade treatment is noted, and it is considered that the separated (floating) angled and cube shaped elements are integral to the effectiveness of this design, and visual presentation to the public realm.

ACTION

Advice to Applicant

**ITEM 6
PA2010/1404**

**EXTENSION OF AN EXISTING BED AND BREAKFAST TO CATER FOR A
MAXIMUM OF 12 GUESTS**

APPLICANT

**LOT 2601 (2) TODD CRESCENT, TOWN OF SANDERSON
MASTERPLAN NT**

Brad Cunnington (MasterPlan) attended the meeting along with Alan and Heather Beale (owners), and tabled neighbour support letters from all three neighbours.

**RESOLVED
89/11**

That the Development Consent Authority determine to vary the requirements of Clause 6.5.3 (Parking Layout), Clause 7.3 (Building Setbacks of Residential Buildings) and 7.10.1 (Bed and Breakfast Accommodation) of the Northern Territory Planning Scheme, and pursuant to Section 53(b) of the *Planning Act*, alter the application and consent to the application as altered to use and develop Lot 2601 (2) Todd Crescent, Town of Sanderson for the purpose of 'alterations to an existing carport with a reduced front setback and extension of an existing bed and breakfast to cater for a maximum of 12 guests', subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the commencement of the use and works (including site preparation) a full set of amended plans must be submitted to, and approved by, the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions must be provided, and be generally in accordance with the plans submitted with the application but modified to show:
 - (a) Specific details of the signage to be used around the site to direct guests to the requirements of this permit and the Operational Management Plan, Car Parking Management Plan, Boat Parking Management Plan and Noise Management Plan. Details are to include wording and location of sign;
 - (b) The Car Parking Management Plan amended to refer to 6 on site car parking spaces to be provided; and
 - (c) A plan showing the relocation of the carport post including a quantified setback to Todd Crescent.

GENERAL CONDITIONS

2. Works carried out under this permit shall be in accordance the plans endorsed as forming part of this permit.
3. The use and/or development as shown on the endorsed plans must not be altered without the further consent of the consent authority.

4. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity to the land shown on the endorsed plan in accordance with the authorities' requirements.
6. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council to the satisfaction of the consent authority.
7. Storage for waste disposal bins is to be located so as to prevent any adverse effect on adjoining land to the satisfaction of the consent authority.
8. The use of the elevated sundeck may only be used between the hours of 7:00am to 9:30pm Sunday through to Thursday and 7:00am to 11:00pm on Friday and Saturday.
9. The use of the ground floor barbeque area may only be used between the hours of 7:00am to 10:00pm Sunday through to Thursday and 7:00am to 12:00am on Friday and Saturday.
10. The use of the swimming pool may only be used between the hours of 7:00am to 9:00pm Sunday through to Thursday and 7:00am to 10:00pm on Friday and Saturday.
11. No more than 12 guests (including children) are to be provided with accommodation on the premises without the further consent of the consent authority.
12. No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.
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 of to ground level in a controlled manner to the satisfaction of the consent authority.
14. No goods are to be stored or left exposed outside the buildings so as to be visible from any public street.
15. Storm water is to be collected and discharged into the drainage network to the technical standards of and at no cost to Darwin City Council, to the satisfaction of the consent authority.
16. 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 Darwin City Council, to the satisfaction of the consent authority.

17. 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.
18. 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 be made available for use in accordance with the endorsed car parking plan.
19. No boats associated with the fishing charter business are to be stored at 2 Todd Crescent for a period in excess of 2 days per calendar month (with a limit of 1 boat at a time) to the satisfaction of the consent authority.
20. The location and details of the signs, as shown on the endorsed plans, must not be altered without the further consent of the consent authority.
21. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the consent authority.
22. 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.

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 operate 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 Darwin City Council approval, at no cost to Council.

REASONS FOR DECISION

1. The application has detailed that the primary purpose of the site will remain a single dwelling. This is in accordance with the primary purpose of Zone SD (Single Dwelling Residential).
2. The application details that the scale of the proposed use is similar to that which would be expected in a 'neighbourhood' level. In addition the application has provided an Operational Management Plan, Car Parking Management Plan, Boat Parking Management Plan and Noise Management Plan which promote operation measures which will ensure the use is undertaken in such a manner to restrict adverse amenity impacts on the adjoining land and nearby property.
3. The consent authority has determined to vary the guest number limit contained in Clause 7.10.1 of the Northern Territory Planning Scheme as it has been demonstrated that the use can be operated without adversely affecting the residential amenity of the adjoining land and nearby property.
4. Conditions relating to the operational limits of the use have been included to ensure that the use is operated in such a manner which restricts adverse amenity impacts on the locality.
5. Specific details of the signage to be displayed on the site are required to ensure that where possible adequate information is provided to guests in relation to the operation measures of the use.
6. Pursuant to section 51(e) of the *Planning Act*, the consent authority has considered submissions made in relation to the application. It has been assessed than in light of the reduced guest numbers and operational constraints placed on the use via conditions, the submitters concerns have been addressed.
7. Darwin City Council's concerns in relation over development of the site and car parking have been addressed by the applicant amending the proposal to remove the construction of additional bedrooms and reducing the number of guests.

ACTION

Notice of Consent and Development Permit

ITEM 7

SUPPORTING ACCOMMODATION DEVELOPMENT COMPRISING 92 X 1 BEDROOM SUITES WITHIN A 9 STOREY BUILDING (INCLUSIVE OF A SINGLE LEVEL OF BASEMENT CAR PARKING).

PA2011/0003
APPLICANT

**LOT 1407 (3) MANTON STREET, TOWN OF DARWIN
ETHAN AFFORDABLE HOUSING**

DAS tabled a late submission made by a previous submitter Christopher Copas outlining concerns for the proposed development.

Ashley Fenn (Ethan Affordable Housing) attended the meeting.

Submitters Janet Durling and Mike Butler attended the meeting.

**RESOLVED
90/11**

That, the Development Consent Authority vary the requirements of clause 6.3.3 (Urban Design Requirements in Central Darwin), clause 6.5.3 (Parking Layout) and clause 7.5 (Private Open Space) of the NT 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 1407 (3) Manton Street, Town of Darwin for the purpose of 94 x 1 bedroom supporting accommodation suites within an 8 storey building plus carparking, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the commencement of works (including site preparation), the applicant is to provide confirmation from a nationally recognised social services provider with significant experience in managing supporting accommodation developments of a similar type and scale that they will be the body responsible for the management and operation of the development, to the satisfaction of the consent authority.
2. Prior to the commencement of works (including site preparation) a full set of amended plans must be submitted to, and approved by, the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans are to be drawn to scale with dimensions provided, and be generally in accordance with the plans submitted with the application but modified to show a minimum of 23 carparking spaces (and access aisles) meeting the dimensional and manoeuvring requirements of clause 6.5.3 (Parking Layout) of the NT Planning Scheme below ground level. In accordance with section 70(3) of the *Planning Act* 25 car parking spaces must be provided. In accordance with section 70(5) of the Act, 2 of these required parking bays may be provided through the payment of a monetary contribution to the Darwin City Council. The contribution is to be calculated in accordance with the requirements of section 70(6) of the Act.
2. Prior to endorsement of the plans and prior to commencement of works (including site preparation), turning templates or confirmation from a suitably qualified professional that a standard length ambulance can adequately manoeuvre through the porte-cochere is to be provided, to the satisfaction of the consent authority.

3. Prior to endorsement of plans and prior to commencement of works (including site preparation), confirmation from Power and Water Corporation that the sewer easement has been appropriately relocated or extinguished is to be obtained. Prior to the commencement of works the sewer service to Lots 1406, 1407 and 5401 needs to be redirected to the sewer main on Manton Street at the developer's expense. This is to be undertaken to the requirements of Power and Water Corporation, to the satisfaction of the consent authority.
 - (a) Following extinguishment or relocation of Power and Water Corporation's sewer easement, a new survey plan will need to be registered with the Land Titles Office and issued to the consent authority.
4. Prior to endorsement of plans and prior to commencement of works (including site preparation), the applicant is to prepare a schematic plan demonstrating all stormwater to be collected on the site and discharged underground to Council's stormwater drainage system, to the requirements of Darwin City Council and to the satisfaction of the consent authority.
5. Prior to the commencement of works (including site preparation) a full set of amended plans must be submitted to, and approved by, the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans are to be drawn to scale with dimensions provided, and be generally in accordance with the plans submitted with the application but modified to show locations of all substation, fire booster, and water meter arrangements, and details showing the enclosure or screening of all these servicing arrangements 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 in consultation with the Power and Water Corporation and the NT Fire and Emergency Services, as the case may be, to the satisfaction of the consent authority.

GENERAL CONDITIONS

6. Works carried out under this permit shall be in accordance the plans endorsed as forming part of this permit.
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 development is to be managed in accordance with an Operational Management Plan at all times. The plan shall include (but not be limited to) the following matters:
 - a. A strategy for the safe exit of residents and staff in the event of an emergency or power outage;
 - b. A strategy to ensure there is no adverse impact on the surrounding area due to noise from the development;

- c. A strategy to ensure there is no adverse impact on the amenity of the surrounding area due to any parking issues associated with the development;
- d. A policy which ensures that the development remains drug and alcohol free;
- e. A policy to ensure there is no loitering outside of or around the building;
- f. A building maintenance plan to ensure the development has no adverse impact on the visual amenity of the area;
- g. A policy to ensure there is no adverse impact on the amenity of the surrounding area from anti-social behaviour arising from the residents of the development or their guests; and
- h. A complaints management procedure including timeframes for responding to complaints and persons responsible for investigating and resolving complaints.

The Operational Management Plan is to be enforced at all times by the registered service provider responsible for the operation of the facility.

- 9. A register of complaints and responses (including all mitigation measures taken or implemented) shall be kept and made available to the DCA upon request.
- 10. An on-site manager shall maintain residence within the development at all times, and be readily contactable in the event of breach of the management plan required via condition 9 above.
- 11. Drug and alcohol programs are not to be run at any time on the site.
- 12. Access is to be provided, in accordance with Australian Standard AS 1428, to the foyer, dining area, common toilets and change rooms.
- 13. Before the use commences the developer/ owner must, pay a monetary contribution to Darwin City Council in accordance with Council's Carparking Contribution Plan in lieu of any on-street carparking spaces removed as a result of this development, to the satisfaction of the consent authority.
- 14. Before the use commences the developer/ owner must, in accordance with Part 6 of the *Planning Act*, pay a monetary contribution to Darwin City Council in accordance with Council's Developer Contributions Plans for Stormwater Drainage Works for Darwin Zone H, to the satisfaction of the consent authority.
- 15. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of, and be at no cost to Darwin City Council, to the satisfaction of the consent authority.
- 16. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to Darwin City Council, to the satisfaction of the consent authority.
- 17. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways;
 - (c) collect stormwater and discharge it to the drainage network; and
 - (d) undertake reinstatement works;

all to the technical requirements of, and at no cost to, Darwin City Council, and to the satisfaction of the consent authority.

18. 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:
 - (e) constructed;
 - (f) properly formed to such levels that they can be used in accordance with the plans;
 - (g) surfaced with an all-weather-seal coat; and
 - (h) drained;to the satisfaction of the consent authority.
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
19. 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.
20. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
21. 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.
22. 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.
23. 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.
24. 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.
25. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council, to the satisfaction of the consent authority.

NOTES:

1. 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 applicant's attention is brought to the merits of universal design, and it is recommended that consideration be given to such features.

REASONS FOR THE DECISION

1. The proposal is consistent with the primary purpose of Zone CB (Central Business), which is, "to provide for a diversity of activities including administrative, judicial, professional, office, entertainment, cultural, residential and retail and other business activities, with a commitment to the separation of incompatible activities".
2. A variation to clause 6.3.3 is supported as the inclusion of awnings is not considered necessary as Manton Street is not a main pedestrian thoroughfare and possesses few commercial uses that would likely see an increase in such activity.
3. A variation to clause 6.3.3 is supported for a reduced level of active street frontage as it is recognised that there are constraints resulting from the differing requirements of service authorities, all of which are necessary in order for the development to proceed and function, and that the inclusion of an electricity substation, fire exit, water meter, vehicular entrance to the basement parking, and a porte-cochere, will necessarily mean non-compliance with this control.
4. A variation to clause 7.5 is supported as it is recognised that the requirements are not as applicable for such a development whereby occupants are unlikely to reside for a long term, with the development presenting an emphasis on care and transition as opposed to independent living.
5. It is necessary for the carparking area to satisfy the dimensional and manoeuvring requirements of clause 6.5.3 (Parking Layout) as no special circumstances exist to permit a lesser standard than that given in the NT Planning Scheme, especially in light of the development being for a supporting accommodation use. The consent authority is aware that this may result in the provision of an additional basement level. Payment for a shortfall of 2 car parking spaces to Darwin City Council off-site is acceptable as it supports efficiency of car parking provision.
6. The ability for the development to provide unhindered ambulance access is considered necessary for a supporting accommodation development.
7. A management plan is necessary to ensure certainty among existing residents in the surrounding area, and for future occupants and staff, that procedures exist for recognising and addressing complaints and conduct issues relating to the development.
8. It is necessary that the sewer easement at the rear of the site be extinguished or relocated as without such confirmation the development will not be able to proceed without significant redesign. As the

responsible authority, this is to be undertaken to the requirements of the Power and Water Corporation, with legal verification given via the issue of a revised survey plan.

9. Confirmation that the building will be managed and operated by a nationally recognised social services provider gives assurances to the future residents, the community and the consent authority that the development will operate in a professional manner and as per the development permit.
10. It is a requirement that the listed facilities on the ground floor be constructed in accordance with Australian Standard AS 1428 to ensure that these spaces can be used by both able-bodied and disabled residents, something which is considered necessary due to the increased likelihood that the development will accommodate a significant number of elderly or less mobile tenants.

ACTION

Notice of Consent and Development Permit

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



PETER MCQUEEN
Chairman

16/5/11