



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 176 – FRIDAY 23 SEPTEMBER 2011

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

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

APOLOGIES: Nil

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

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 9.30 am and closed at 12.30 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 TWO WAREHOUSES WITH ANCILLARY OFFICE/ SHOWROOM SALES AREAS
PA2011/0555 SECTION 5301, 5302, 5303 & 5304 (1) DOWNES STREET, (2) BOMBING ROAD,
(88) WINNELLIE ROAD & (2) CATTERTHUN STREET, HUNDRED OF BAGOT
APPLICANT IRWIN CONSULT PTY LTD

Ms Sandra Howland and Mr Mario Madalozzo (both from Irwin Consult Pty Ltd) attended.

RESOLVED
200/11

That the Development Consent Authority vary the requirements of clause 6.1 (General Height Control) and clause 6.5.1 (Parking Requirements), as per clause 6.5.2 (Reduction in Parking Requirements), 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 Sections 5301, 5302, 5303 & 5304 (1) Downes Street, (2) Bombing Road, (88) Winnellie Road & (2) Catterthun Street, Hundred of Bagot for the purpose of two warehouses with ancillary office/ showroom areas, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the commencement of works (including site preparation), and prior to the endorsement of plans, a schematic plan demonstrating all stormwater to be collected on the site and discharged underground to Council's stormwater drainage system is to be submitted, to the requirements of Darwin City Council, to the satisfaction of the consent authority.

GENERAL CONDITIONS

2. Works carried out under this permit shall be in accordance the plans 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. An Occupancy Permit under the *Building Act* shall not be granted until such time as Lots 5301, 5302, 5303 and 5304 have been consolidated and a new title issued in respect of that consolidated allotment.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, 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 Darwin City Council, to the satisfaction of the consent authority.
7. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
8. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of, and be at no cost to Darwin City Council, to the satisfaction of the consent authority.
9. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways;
 - (c) collect stormwater and discharge it 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.
10. 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.
11. 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.
12. The loading and unloading of goods from vehicles must only be carried out on the subject site, and is not to disrupt the circulation and parking of vehicles on the land.
13. Before the use/ occupation of the development starts, the landscaping works shown on the endorsed plans, including the must be carried out and completed to the satisfaction of the consent authority.
14. The carparking spaces shown on the Council road reserve for Winnellie Road, Catterthun Street and Bombing Road are to be constructed to the requirements of Darwin City Council, to the satisfaction of the consent authority, prior to occupation of the premises, as given by the *Building Act*.

15. The landscaping shown on the endorsed plans must be maintained by the owner/s of Sections 5301, 5302, 5303 and 5304 Hundred of Bagot, to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
16. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council, to the satisfaction of the consent authority.

NOTES:

1. Darwin City Council advises that, notwithstanding the approved plans, any proposed awnings, footpaths and landscaping works within Council's road reserve are subject to approval from Darwin City Council, and shall be undertaken at no cost to Council.
2. 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.
3. The developer is responsible for safety clearance compliance between existing overhead power lines in the area and any new building or extension during construction and its completed stage, in accordance with the NT Electricity Reform (Safety and Technical) Regulations 2000. If any work is required on existing overhead power lines, the design and installation cost shall be borne by the developer.

REASONS FOR THE DECISION

1. In accordance with the primary purpose of Zone GI (General Industry), the works subject of this application will "provide for general industry" and the associated office/ showroom area will "provide a service to the general industry and be of a size commensurate with the service provided".
2. A variation to clause 6.1 (General height Control) of the Northern Territory Planning Scheme is supported as the development is in line with the purpose of clause 6.1, being to "ensure that the height of buildings in a zone is consistent with development provided for by that zone". The non-compliance is minor, being 0.1m, and is required to ensure adequate floor to ceiling clearance across the extent of the development and to maintain a uniform finished floor level over the development, which covers a large floor area and sees some variation in levels over the site.

3. A reduction to the requirements of clause 6.5.1 (Parking Requirements) of the Northern Territory Planning Scheme is supported under clause 6.5.2 (Reduction in Parking Requirements) as the works will not result in any net shortfall of carparking, and is expected to see a greater ease of functioning to the development and on the subject site and those in its immediate vicinity through the creation of a resource for use by the public. The resultant level of carparking, both on the site and in its immediate vicinity, is seen to result in a level of parking that is sufficient in number and convenient in location to ensure that the use of the site is appropriately serviced, as per the purpose of clause 6.5.1 (Parking Requirements).
4. Pursuant to 51(m) of the *Planning Act*, the Development Consent Authority must, in considering a development application take into account the matters raised by service authorities through the notification of the application. Darwin City Council raised no objection to the on-site shortfall in carparking and gave support for the construction of the on-street carparking shown on Winnellie Road, Catterthun Street and Bombing Road. As the administering body for the local road network, including the on-street carparking to be constructed as part of this development, concession in this regard is noted.
5. Pursuant to 51(n) of the *Planning Act*, the Development Consent Authority must, in considering a development application take into account the potential impact on the existing and future amenity of the area in which the land is situated. The development is seen to have an overall amenity benefit to the locality, and is supported accordingly.
6. A schematic stormwater plan is required in order for the development to demonstrate that it is technically feasible to collect stormwater on the site and dispose of it into Council's stormwater drainage system, and to ensure that no stormwater will sheet-flow into the road reserve or onto adjoining properties.
7. Consolidation is required as only one point of power supply will be provided for the proposed development by the Power and Water Corporation. Consolidation will also ensure greater ease of compliance against the Building Code of Australia, and for the operation of the development, which has a shared carparking area and built form.

ACTION: Notice of Consent and Development Permit

ITEM 2
PA2010/1375
APPLICANT

CHANGES TO SITING OF TELECOMMUNICATIONS FACILITY
LOT 6475 (68) FRANCES BAY, TOWN OF DARWIN
AURECON AUSTRALIA PTY LTD

The applicant sent their apologies.

RESOLVED
201/11

That, pursuant to section 57(3) of the *Planning Act*, the Development Consent Authority consent to the application to vary Development Permit DP10/0851 for changes to the development layout to relocate the 30m high telecommunication tower and associated equipment shelter subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), a letter of approval by Darwin City Council in support of the application to retain the existing vegetation on the road reserve must be submitted to the consent authority and to the satisfaction of the consent authority.
2. 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 existing vegetation within Darwin City Council road reserve (meeting Darwin City Council requirements) to provide screening and soften the visual impact of the development when viewed from the street.

GENERAL CONDITIONS

3. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
4. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
5. The owner of the land must enter into agreements with the Power and Water Corporation for the provision of water and sewer services to the land shown on the endorsed plans in accordance with the Power and Water Corporation's requirements. No use of onsite wastewater treatment systems to service the proposed development is permitted.

NOTE:

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.

ACTION: Advice to Applicant

ITEM 3
PA2011/0591
APPLICANT

**CHANGE OF USE FROM WAREHOUSE AND SHOWROOM SALES TO LEISURE AND RECREATION (GYM) (TENANCIES 5 AND 6)
PORTION 1205 (14) WINNELLIE ROAD, HUNDRED OF BAGOT
MASTERPLAN NT**

Mr Brad Cunnington (Masterplan NT), Mr Terry Finocchiaro (landowner) and Mr Phil Primmer (Gym Manager) attended.

RESOLVED
202/11

That, the Development Consent Authority determine to reduce the car parking requirement from 138.4 bays to 33.16 bays pursuant to Clause 6.5.2 (Reduction in Parking Requirements) of the Northern Territory Planning Scheme, and vary the requirements of Clause 6.5.3 (Parking Layout) of the NT Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Portion 1205 (14) Winnellie Road, Hundred of Bagot for the purpose of change of use from warehouse and showroom sales to leisure and recreation (gym) (Tenancies 5 and 6), subject to the following conditions:

1. Works carried out under this permit shall be in accordance with drawings numbered 2011/0591/1 through to 2011/0591/3, 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, 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. The use and/or development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
5. 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. Notwithstanding the approved plans, all signage is subject to Council's approval and shall meet all Council's requirements to the satisfaction of the Director of Technical Services, Darwin City Council at no cost to Council.

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 in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
3. Any future unit titling application for the site will take into account the car parking arrangements that have been considered as part of this Development Permit. When/if future unit titling is applied for, it is considered necessary by the Development Consent Authority that all car parking on the site will need to be provided within common property, rather than allocated to individual units. This will ensure all car parking is freely available to all users of the site and facilitate the cross-utilisation and alternate peak demand times arguments put forward by the applicant in support of the reduction in car parking for the gymnasium.

REASONS FOR THE DECISION

1. The proposal is consistent with the primary purpose of Zone LI (Light Industry), which is, "to provide for light industry uses or development activities that will not by the nature of their operations, detrimentally affect adjoining or nearby land".
2. A reduction of 105.24 car parking spaces (from 138.4 to 33.16) is supported as:
 - The applicant has provided a statement from Murray F Young and Associates which details that there is enough shared car parking on the site to accommodate the change of use given the varying times that the peak demand between all the uses of the site occurs;
 - The site is readily accessible by public transport and provides for convenient on-street parking; and
 - The site contains a number of tenancies which the statement from Murray F Young and Associates identifies that based on a parking study of this particular development there was shown to be a range in the overall car parking demand for the showroom sales/warehouses which is lower than the prescribed figure in the NT Planning Scheme.
 - Given the variety and number of tenancies within the complex, it is expected that cross-utilisation of car parking will occur; and
 - The requirement to provide all car parking within a common area when/if the development is unit titled will ensure that all car parking is freely available to all users of the site and facilitate the cross-utilisation and alternate peak demand times arguments put forward by the applicant in support of the reduction in car parking for the gymnasium.

ACTION: Notice of Consent and Development Permit

ITEM 4
PA2011/0541

**8 X 2 BEDROOM MULTIPLE DWELLINGS IN A 3 STOREY BUILDING
INCLUDING GROUND LEVEL CAR PARKING
LOT 4911 (22) GREVILLEA CIRCUIT, TOWN OF NIGHTCLIFF
APPLICANT
JUNE D'ROZARIO & ASSOCIATES PTY LTD**

Ms June D'Rozario (June D'Rozario & Associates), Mr John & Ms Eve Kypreos (owners) attended.

Submitters Mr Mark Austin and Mr Carlos Puig attended.

**RESOLVED
203/11**

That, pursuant to section 53(b) of the *Planning Act*, the Development Consent Authority alter the proposed development, and consent to the proposed development as altered to develop Lot 4911 (22) Grevillea Circuit, Town of Nightcliff for the purpose of 8 x 2 bedroom multiple dwellings in a 3 storey building including ground level carparking, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the commencement of works (including site preparation), and prior to the endorsement of plans, 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 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, to the satisfaction of the consent authority.
 - (b) A reduction in the extent of the eaves such that no part of the roof line is more than 0.9m into the required building setback for the applicable portion of the development.
 - (c) 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 southern boundary. The original application indicated retention of all existing vegetation along the southern boundary. The application was amended in response to neighbours concerns to include construction of a 1.8 metre high solid fence along this boundary to address potential light impacts from headlight glare (which will require some trees to be removed to allow construction of the fence). As such, additional landscaping to the satisfaction of the consent authority will be required if the vegetation removed to allow construction of the fence is of an extent that additional screening is considered necessary by the authority.

- (d) The location and screening details for all air air-conditioning condensers such that the condensers are screened from view from the public or neighbouring properties, and located so as to minimise thermal and acoustic impacts.
- (e) Screen balconies.

GENERAL CONDITIONS

1. Works carried out under this permit shall be in accordance the plans 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, gas and telecommunications services to the land shown on the endorsed plan in accordance with the authorities' requirements.
4. Provision of a tap and drain connected to the sewer is required to be supplied to the bin enclosure, in accordance with Council's Waste Bin Policy, to the requirements of Darwin City Council, to the satisfaction of the consent authority.
5. 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.
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 Darwin City Council, 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, Darwin City Council, 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 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 Darwin City Council, to the satisfaction of the consent authority.

NOTES:

1. The electricity easement will need to be registered with the Land Titles Office, to the benefit of the Power and Water Corporation.
2. 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.
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 proposal to develop and use the site for the purpose of 8 x 2 bedroom multiple dwellings in a 3 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” and the development is considered to be of a “scale, character and architectural style [that is] compatible with the streetscape and surrounding development”.
2. With regard to clause 4.2(a)(iii) of the Planning Scheme, the development satisfies the intent of the administration of the Planning Scheme for sites and developments such as those in the subject development through its provision for the “orderly and appropriate expansion of development in the region that maximises existing development options including urban infill”. The multiple dwelling development is compliant with all relevant controls, and accordingly is considered to be of a type envisioned by the Northern Territory Planning Scheme.
3. In accordance with the requirements of section 51(e) of the *Planning Act*, due consideration has been given to the submissions received, all of which were appropriately addressed and considered by the development consent authority. The development proposed through this application meets all prescriptive criteria given in the Planning Scheme and is of a type and scale that is appropriate for the site and its zone.
4. Pursuant to 51(n) of the *Planning Act*, the Development Consent Authority must, in considering a development application take into account the potential impact on the existing and future amenity of the area in which the land is situated. The development is appropriate for the site and locality. It is abutting other multiple dwelling developments and located within Zone MR (Medium Density Residential). Consideration has been given to the streetscape and nearby SD (Single Dwelling Residential) and MR (Medium Density Residential) land.
5. As per clause 4.1(d) of the Planning Scheme, the open nature of the balconies is considered to directly assist in the promotion of a climatically appropriate building design. These balconies also relate to the development’s ability to meet subclauses 2(i) and 2(j) of clause 7.8 (Building Design for Multiple Dwellings, Hostels and Supporting Accommodation).
6. The private open space areas for the multiple dwellings satisfy all prescriptive requirements of the Northern Territory Planning Scheme. The separation from the existing building on Lot 4919 is considered to not result in undue privacy or amenity impacts, and the existence of balconies on Lot 4919 that face Lot 4911 does not constitute sufficient grounds for the consent authority to impose a higher standard of

development than that set out in Part 4 of the Planning Scheme. In addition, as given by subclause 2(i) of clause 7.8 (Building Design for Multiple Dwellings, Hostels and Supporting Accommodation), the achievement of visual and acoustic privacy should be balanced with passive climate controls features, such as the provision of an area of private open space that is directly accessible from the dwelling and allows for ready access to natural light and breezes. The private open space that is provided satisfies the purpose of clause 7.5 (Private Open Space) as it ensures "that each dwelling has private open space that is appropriately sited and of an adequate size to provided for domestic purposes", and that it satisfies the minimum area and dimensions contained in the table to this clause and is directly accessible from the dwelling, enabling an extension of its function.

7. The potential visual impacts resulting from the use of the ground floor area (the carparking aisle and surrounding landscaped spaces) are seen to be effectively mitigated through the introduction of landscaping and a solid 1.8m high fence to all abutting boundaries. In addition, this permit requires information with regard to the provision of landscaping details beyond that submitted with the application, to ensure the appropriate placement of plants, and consideration of adjoining residences.
8. Additional details confirming the location (with screening details) for all air air-conditioning condensers will ensure that all condensers are screened from view, and located so as to minimise thermal and acoustic impacts.
9. A reduction in the extent of the eaves is sought in response to the concerns of the submitter raised at the consent authority hearing.
10. That, the Development Consent Authority acknowledges that the proposal as amended satisfies all of the relevant controls for a multiple dwelling development in Zone MR (Medium Density Residential).

ACTION: Notice of Consent and Development

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



PETER MCQUEEN
Chairman

30/9/11

