



# DEVELOPMENT CONSENT AUTHORITY

## DARWIN DIVISION

### MINUTES

MEETING No. 241 – FRIDAY 10 OCTOBER 2014

BROLGA ROOM  
NOVOTEL DARWIN ATRIUM  
100 THE ESPLANADE  
DARWIN

**MEMBERS PRESENT:** Grant Tambling (Deputy Chairman), Ross Baynes, Garry Lambert and Bob Elix

**APOLOGIES:** Denis Burke (Chairman)

**OFFICERS PRESENT:** Margaret Macintyre (Secretary), Hanna Stevenson, Sally Cunningham and Adelle Godfrey (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Cindy Robson (Items 1 & 2 only)

Meeting opened at 9.45 am and closed at 12.00 noon



ITEM 2  
PA2014/0560

**ADDITIONS TO EXISTING MOTEL INCLUDING A SHOP, RESTAURANT, MOTEL OFFICE, 12 X 2 BEDROOM DUAL KEY & 10 X 1 BEDROOM SERVICED APARTMENTS, AND 14 X 2 BEDROOM MULTIPLE DWELLINGS IN A 3 STOREY BUILDING WITH UNDERCROFT CAR PARKING (ON LAND CURRENTLY ZONED COMMERCIAL)**

**PART LOT 4522 & LOT 9718 (221) & (225) MCMILLANS ROAD, TOWN OF NIGHTCLIFF**

**APPLICANT**

**BELL GABBERT ASSOCIATES PTY LTD**

Mr Mark Bell (Bell Gabbert Associates Pty Ltd), Mr Manuel Zaroufis (owner) and his son Mr Peter Zaroufis attended.

**RESOLVED  
237/14**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 9718 and part Lot 4522 (225 & 221) McMillans Road, Town of Nightcliff for the purpose of a additions to existing motel including a shop, restaurant, motel office, 12 x 2 bedroom dual key & 10 x 1 bedroom serviced apartments, and 14 x 2 bedroom multiple dwellings in a 3 storey building with undercroft car parking to require the following information to be provided that the Authority considers necessary in order to enable proper consideration of the application:

- Receipt of comment from the City of Darwin that Council has no Trustee interest in the part of Lot 4522 that is subject to this application.
- Amendments to the application to ensure the area of Lot 4522 that is subject to this application is consistent with the area of land that has had Reserve 1199 revoked.
- Additional communal open space area such that the development achieves closer compliance with the area requirements of Clause 7.6 (Communal Open Space).
- Landscaping to be provided along the northern boundary of Lot 4522 that is subject to this application to lessen the visual impact of development. Should this be unable to be accommodated, landscaping may be accommodated on the adjoining lot with the written approval of the land owner and Trustee for the Cemetery.

**RESOLVED  
238/14**

That, pursuant to section 86 of the *Planning Act*, the Development Consent Authority delegate to one member of the Darwin Division the power under section 53 of the Act to determine the application to develop Lot 9718 and part Lot 4522 (225 & 221) McMillans Road, Town of Nightcliff for the purpose of a additions to existing motel including a shop, restaurant, motel office, 12 x 2 bedroom dual key & 10 x 1 bedroom serviced apartments, and 14 x 2 bedroom multiple dwellings in a 3 storey building with undercroft car parking, subject to the receipt of:

- Receipt of comment from the City of Darwin that Council has no Trustee interest in the part of Lot 4522 that is subject to this application.
- Amendments to the application to sure the area seeking to be consolidated with Lot 9718 is consistent with the area of land that has had Reserve 1199 revoked.

## REASONS FOR THE DECISION

1. The Authority considers clarification from Council regarding the Trustee and confirmation that the land is free from Reserve 1199 is required to ensure the Development Consent Authority has the ability to determine the application.
2. Landscaping and communal open space amendments are required to confirm the development is appropriate for the locality and for the future land use.

**ACTION:** Advice to Applicant

**ITEM 3**  
**PA2014/0589**  
**APPLICANT**

**ADDITION OF 3 CONSULTING ROOMS TO 2 EXISTING MEDICAL CLINICS**  
**(TENANCY 1B AND TENANCY 4)**  
**LOT 10490 (11) VANDERLIN DRIVE, TOWN OF NIGHTCLIFF**  
**MASTERPLAN NT**

Ms Linda Henning (Masterplan NT) attended.

**RESOLVED**  
**239/14**

That, the Development Consent Authority vary the requirements of Clause 6.5.1 (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 10490 (11) Vanderlin Drive, Town of Nightcliff, for the purpose of the addition of 3 consulting rooms to 2 existing medical clinics (Tenancy 1B and Tenancy 4) in 2 stages, subject to the following conditions:

### CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), a management 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 detail how management of medical clinic staff will be undertaken to ensure that any car parking bays provided in the vicinity of the site for staff car parking through ongoing lease arrangements will be used by staff.

### 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. The owner must provide 57 car parking bays for the development, either by:
  - a. Providing up-to-date evidence of an ongoing lease agreement for provision of 12 of the required bays off-site in a location in the immediate vicinity of Lot 10490 Town of Nightcliff; or
  - b. In accordance with section 70(3) of the *Planning Act*, provide 12 parking bays through 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 Act.

4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. 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.
6. The use and development shown on the endorsed plans must not be altered without the further consent of the consent authority.

#### **NOTES:**

1. The consideration of this application relied upon the provision of 12 off-site car parking spaces. Any change to this arrangement will require the owner to demonstrate compliance with condition 2 at the request of the consent authority.
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
3. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites in the Northern Territory. 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 is generally consistent with the purpose of Zone C (Commercial) which is to provide for a range of business and commercial uses. The development is for provision of additional consulting rooms within existing medical clinics which is considered to align with the purpose of the clause.

2. A variation to the on-site provision of parking spaces required under Clause 6.5.1 (Parking Requirements) of the NT Planning Scheme is considered acceptable as an appropriate solution has been identified to ensure that adequate on-going access to car parking to support the development is provided for.

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

**ITEM 4**                    **EXTENSION TO EXISTING CARAVAN PARK**  
**PA2014/0631**           **SECTIONS 6646 & PART SECTION 4356(25 & 67) HIDDEN VALLEY ROAD,**  
**APPLICANT**           **HUNDRED OF BAGOT**  
**GEORGE SAVVAS**

Mr George Savvas (Concept Designs (NT) Pty Ltd) and Mr Nick Melios (owner) attended.

**RESOLVED**  
**240/14**

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 Section 6646 and part Section 4356 (25 & 67) Hidden Valley Road, Hundred of Bagot for the purpose of extensions to the existing caravan park, 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 demonstrate that:
  - a. car parking spaces (labelled 1 through 8) achieve the minimum dimensions required by Clause 6.5.3 and are finished in an all-weather seal coat.
2. 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 City of Darwin, to the satisfaction of the consent authority.
3. Prior to the endorsement of plans and prior to the commencement of works, an Erosion and Sediment Control Plan (ESCP), is to be submitted to and approved by the consent authority on the advice of the Department of Land Resource Management, and an endorsed copy of the Plan will form part of this permit. The plan should detail methods and treatments for minimising erosion and sediment loss from the site during both the construction and operational phases. The IECA Best Practice Erosion and Sediment Control Guidelines 2008 may be referenced as a guide to the type of information, detail and data that should be included in an ESCP. Information regarding erosion and sediment

control and ESCP content is available at [www.austieca.com.au](http://www.austieca.com.au) and the DLRM website: <http://lrm.nt.gov.au/soil/management>

4. Prior to the commencement of works (including site preparation), the applicant is to prepare a dilapidation report covering infrastructure within the road reserve to the requirements of the City of Darwin, to the satisfaction of the consent authority.
5. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a Environmental Construction Management Plan (ECMP), to the requirements of the City of Darwin, to the satisfaction of the consent authority. The ECMP is to address how construction will be managed on the site, and is to include details of the haulage of excavated and new materials, traffic management for construction vehicles, fencing and hours of construction.
6. Prior to the commencement of works (including site preparation) a waste management plan in accordance with Council's Waste Management Policy is required to be submitted, to the requirements of the City of Darwin, to the satisfaction of the consent authority.
7. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a traffic impact assessment report prepared in accordance with the Austroads document 'Guide to Traffic Management Part 12: Traffic Impacts of Developments'. The report must outline changes that will be required to the surrounding road network and address vehicular, pedestrian, cyclist and public transport issues and opportunities, and is to include swept paths for waste collection vehicles entering and exiting the site. The report is to be to the approval of the City of Darwin, to the satisfaction of the consent authority.

#### **GENERAL CONDITIONS**

8. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
9. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
10. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
11. Before the use or occupation of the development starts, the area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
  - (a) constructed;
  - (b) properly formed to such levels that they can be used in accordance with the plans;

- (c) surfaced with an all-weather-seal coat;
  - (d) drained;
  - (e) 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.
12. 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/guests.
  13. Before the occupation of the development starts the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
  14. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
  15. The owner shall:
    - (a) remove disused vehicle and/ or pedestrian crossovers;
    - (b) collect stormwater and discharge it to the drainage network; and
    - (c) undertake reinstatement works;all to the technical requirements of and at no cost to the City of Darwin, to the satisfaction of the consent authority.
  16. All air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
  17. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
  18. Sections 6646 and part Section 4356 that forms part of this application must be consolidated prior to the issue of a Certificate of Compliance for works approved by this permit.

#### NOTES:

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



2. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites in the Northern Territory. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
3. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the National Construction Code of Australia, the NT Public Health Act and Regulations, the NT Food Act and National Food Safety Standards.
4. The Department of Land Resource Management has advised that thatch grass (a Class A weed) has been identified on the site. The developer must eradicate this weed and prevent spread of seed. The Department's Weed Management Branch can be contacted on (08) 8999 4567.

### **REASONS FOR THE DECISION**

1. The site is within Zone TC (Tourist Commercial) of the NT Planning Scheme. The development is considered to be consistent with the purpose and intended use of Zone TC (Tourist Commercial) which is to provide for uses or development servicing tourism. The application is for extension of the existing caravan park with development considered to be of a scale and architectural style of existing development in the area.
2. With the required amendments, the development will achieve full compliance with the prescriptive requirements of the NT Planning Scheme which suggests that the site is generally capable of accommodating the proposed development. The Department of Land Resource Management has recommended preparation of an erosion and sediment control plan for construction and operation of the development. A condition of approval requiring this together with the implementation of measures identified in the plan will aid in ensuring that the development occurs with minimal impact on adjacent and nearby land.
3. The conditions of approval, together with amendments required will ensure that the site is serviced appropriately and will further reduce any potential for negative impacts on surrounding land.

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

ITEM 5  
PA2014/0554

**THREE STOREY SINGLE DWELLING WITH A REDUCED FRONT SETBACK AND EXCEEDING 8.5M IN HEIGHT  
LOT 6318 (22) MUZZELL STREET, TOWN OF DARWIN  
APPLICANT ANDREW MATTHEWSON**

Mr Andrew Matthewson attended and tabled three pages, sewer easement works and two pages of easement details and also tabled a plan showing an amended design for the gatehouse.

Submitter Ms Janet Karakotas attended and showed members a photo of the site from her lot.

**RESOLVED  
241/14**

That, the Development Consent Authority vary the requirements of Clauses 6.1 (General Height Control), 7.1.2 (Residential Height Limitations) and 7.3 (Building Setbacks of Residential Buildings) 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 6318 (22) Muzzell Street, Town of Darwin for the purpose of a 3 storey single dwelling with a reduced front setback and exceeding 8.5m in height, subject to the following conditions:

**CONDITION 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 and at the Development Consent Authority hearing on 10 October 2014 but modified to show:
  - (a) changes to the design of the gate house structure to improve compliance with the objectives of Clause 7.3, including to increase compatibility with the streetscape and surrounding development, and to minimise any adverse effects of building massing. This may occur through a reduction in the overall scale of the gate house, or through removal of, or changes to the solid blockwork walls through a reduction in height or to enable a more lightweight appearance;
  - (b) details of the proposed crossover indicating the protection of the existing street tree to the requirements of the City of Darwin, or alternatively details of the proposed crossover indicating the removal of the street tree to the requirements of the City of Darwin; and
  - (c) either approval, removal, and/or changes to structures located within the sewer easement to the requirements of the Power and Water Corporation.

**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. Prior to the commencement of works (including site preparation), a schematic plan demonstrating the on-site collection of stormwater and its discharge into

the local stormwater drainage system shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority. The plan shall include details of site levels and stormwater drain connection points.

4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. 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.
6. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the City of Darwin, to the satisfaction of the consent authority.

The owner shall:

- (a) remove disused vehicle and/ or pedestrian crossovers;
  - (b) provide footpaths/ cycleways;
  - (c) collect stormwater and discharge it to the drainage network; and
  - (d) undertake reinstatement works;
- all to the technical requirements of and at no cost to the City of Darwin, to the satisfaction of the consent authority.
7. 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. This development permit does not grant building approval. You are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing construction works.
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
3. A permit to work within a road reserve may be required from the City of Darwin before commencement of any work within the road reserve.
4. The Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency's Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

## REASONS FOR THE DECISION

1. Pursuant to Section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The proposal is consistent with the purpose of Zone SD (Single Dwelling), being to provide for single dwellings on individual lots.

2. Amended plans are required to be submitted by the applicant incorporating changes to the design of the gate house structure to improve compliance with the objectives of Clause 7.3, particularly relating to the solid blockwork walls provided to the eastern and western elevations. A reduced setback of 1.08m to the gate house is considered appropriate provided the design changes improve compatibility with the streetscape and surrounding development, and to minimise adverse effects of building massing. The variation to the requirements of Clause 7.3 proposing the 3.2m setback roof of the dwelling is considered a minor variation from the requirements of the Scheme only and is unlikely to detrimentally impact the streetscape.
3. Amended plans are required to be submitted by the applicant to address concerns raised by the City of Darwin in relation to an existing street tree and proposed driveway crossover to ensure appropriate access is provided, and also to address concerns raised by the Power and Water Corporation in relation to structures located within the sewerage easement towards the rear of the property, to the requirements of each service authority.
4. A variation to the requirements of Clause 7.1.2 (Residential Height Limitations) for a 3 storey dwelling which exceeds 8.5m and includes habitable rooms higher than 7m above natural ground level is considered acceptable in this instance given the variations proposed are considered compatible with the streetscape and surrounding locality and are largely caused by the topography which occurs in this location and the slope of the site towards the marina. When viewed from the street and adjoining properties to the east and west, the dwelling appears as 2 storeys only, and the hipped roof provides a balanced dwelling design overall. The dwelling is generally compatible with the streetscape and is not likely to result in undue overlooking to adjacent properties.

**ACTION:** Notice of Determination

**ITEM 6  
PA2014/0603  
APPLICANT**

**2 X 3 BEDROOM MULTIPLE DWELLINGS IN A SINGLE STOREY BUILDING  
LOT 11277 (23) MAHONEY STREET, TOWN OF NIGHTCLIFF  
RAW DESIGNS**

Mr Robert Watt (Raw Designs) attended and tabled approval from City of Darwin for stormwater and access and a site plan to address draft conditions precedent.

**RESOLVED**  
**242/14**

That, the Development Consent Authority vary the requirements of Clause 7.3.1 (Additional Setback Requirements for Residential Buildings Longer than 18m and for Residential Buildings over 4 Storeys in Height) of the Northern Territory Planning Scheme, and pursuant to Section 53(a) of the *Planning Act*, consent to the application to develop Lot 11277 (23) Mahoney Street, Town of Nightcliff for the purpose of 2 x 3 bedroom multiple dwellings, subject to the following conditions:

**CONDITIONS**

1. The works carried out under this permit shall be in accordance with the drawings numbered 2014/0603/1 to 2014/0603/4 endorsed as forming part of this permit.
2. Prior to the commencement of works (including site preparation), the applicant is to prepare an Environmental Construction Management Plan (ECMP) to the requirements of the City of Darwin, to the satisfaction of the consent authority. The ECMP is to address how construction will be managed on the site, and is to include details of waste management, traffic control and haulage routes, stormwater drainage and the use of City of Darwin land.
3. Prior to the commencement of works (including site preparation), the applicant is to prepare a dilapidation report covering infrastructure within the road reserve to the requirements of the City of Darwin, to the satisfaction of the consent authority.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. 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.
6. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the City of Darwin, to the satisfaction of the consent authority.

The owner shall:

- (a) remove disused vehicle and/ or pedestrian crossovers;
  - (b) provide footpaths/ cycleways;
  - (c) collect stormwater and discharge it to the drainage network; and
  - (d) undertake reinstatement works;
- all to the technical requirements of and at no cost to the City of Darwin, to the satisfaction of the consent authority.
7. 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. This development permit does not grant building approval. You are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing construction works.
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. A permit to work within a road reserve may be required from the City of Darwin before commencement of any work within the road reserve.
4. The Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency's Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

## REASONS FOR THE DECISION

1. Pursuant to Section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. The proposal is consistent with the purpose of Zone SD (Single Dwelling), being to provide for single dwellings on individual lots.
2. Amended plans have been submitted by the applicant address concerns raised by the City of Darwin in relation to the existing street tree and proposed driveway crossover to Unit 1, including an access plan approved by the City of Darwin, and an approved schematic stormwater plan approved by the City of Darwin. The applicant has also submitted a site plan which demonstrates appropriate privacy to the Unit 2 private open space area in accordance with Clause 7.5 (Private Open Space).
3. A variation to the requirements of Clause 7.3.1 (Additional Setback Requirements for Residential Buildings Longer than 18m and for Residential Buildings over 4 Storeys in Height) is considered acceptable in this instance given the proposal is considered to meet the objectives of the clause including to minimise any adverse effects of building massing and visual bulk when viewed from adjoining land and the street. When viewed from the street, features of the building's design including increased setbacks to garages, and the stepping of building setbacks general provide some level of articulation to the building form. From adjoining land, the requirement for more conservative setbacks than would otherwise be required on adjoining lots 11276 to the north-west

and 11278 to the south-west will assist in providing a greater level of separation between dwellings which will assist in reducing adverse effects of building massing.

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

**ITEM 7**  
**PA2014/0583**  
**APPLICANT**

**LICENSED CLUB (LIVE MUSIC AND COMEDY CLUB)**  
**LOT 4933 (31) BISHOP STREET, TOWN OF DARWIN**  
**RODERIC FITZGERALD**

Mr Rod Fitzgerald, Mr Lanson Ip & Ms Brooke (Bennett Design) attended.

Mr Fitzgerald tabled photos and further information.

Submitters:- Ms Kari Taylor and Ms Annie Buckley attended.

**RESOLVED**  
**243/14**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 4933 (31) Bishop Street, Town of Darwin for the purpose of a licensed club (live music and comedy club) subject to the following conditions:

**CONDITIONS PRECEDENT**

1. Prior to the endorsement of plans and commencement of use, a management plan must be submitted to and approved by the consent authority addressing the use of the property for the purpose of a licenced club (live music and comedy), to the satisfaction of the authority. When approved, the plan will be endorsed and will form part of the permit. The plan must be developed involving consultation with the adjoining land owners and residents including those at Lot 4932 Town of Darwin, and include specific measures to ensure the safety of the property at Lot 4932 Town of Darwin. The management should also:
  - Demonstrate how the site is suitable for the proposed use within the context of surrounding development and the GI (General Industry) zoning including access to transport such as taxi's.
  - Demonstration as to how the proposal will manage patrons on the site generally.
  - Demonstration as to how the proposal will manage patrons leaving the site, particular in regards to pedestrian movements, transport options and public safety/public order.
  - Demonstration as to how the existing boundary fence and security/lighting arrangements are sufficient to secure the site and adjoining sites given the proposed use.
  - Any amendments to the application that arise as a result of the above information request.

## 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. The use as shown on the endorsed plans must not be altered without the further consent of the consent authority.
4. Prior to the commencement of works (including site preparation), a schematic plan demonstrating the on-site collection of stormwater and its discharge into the local stormwater drainage system shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority. The plan shall include details of site levels and stormwater drain connection points.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities 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 the City of Darwin, to the satisfaction of the consent authority.

The owner shall:

- (a) remove disused vehicle and/ or pedestrian crossovers;
  - (b) provide footpaths/ cycleways;
  - (c) collect stormwater and discharge it to the drainage network; and
  - (d) undertake reinstatement works;
- all to the technical requirements of and at no cost to the City of Darwin, 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;
    - (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.



9. The use may operate only on Friday and Saturdays between the hours of 8:00pm and 1:00am on the following day.
10. No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.
11. The loading and unloading of goods from vehicles must only be carried out on the land.
12. Storage for waste disposal bins is to be provided to the requirements of City of Darwin to the satisfaction of the consent authority.

**NOTES:**

1. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the National Construction Code of Australia, the *NT Public Health Act* and Regulations, the *NT Food Act* and National Food Safety Standards.
2. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to Council.

**REASONS FOR THE DECISION**

1. Pursuant to Section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The proposed development does not impact on the ability of the surrounding area to provide general industry type uses by virtue of it's\ limited operating hours.

2. A reduction of car parking requirements as specified by clause 6.5.1 (Parking Requirements) of the NT Planning Scheme is determined in accordance with clause 6.5.2 (Reduction of Parking Requirements) of the Scheme for the proposed use because the peak demand for car parking will occur at different times to the surrounding area. As such on street parking in the locality will be available. There are restrictions on the hours of operation that will ensures the time the peak is anticipated.

3. Pursuant to Section 51(n) of the *Planning Act*, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated. A management plan is required to ensure that there is no adverse amenity impacts experienced.

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

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

  
**GRANT TAMBLING**  
Delegate

17 /10/14