

DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 211 – FRIDAY 17 MAY 2013

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

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

APOLOGIES: Jeanette Anictomatis and Garry Lambert

OFFICERS PRESENT: Sarah Mattson (Secretary), Hanna Stevenson, Linda Henning, Tony Brennan, Sally Cunningham and Michael O'Neill and Steven Conn for part of the meeting (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 9.50 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 **2 X 3 BEDROOM MULTIPLE DWELLINGS IN A SINGLE STOREY BUILDING**
PA2013/0230 **LOT 10943 (40) BAILEY CIRCUIT, TOWN OF NIGHTCLIFF**
APPLICANT **THEOFILOS & ANNA SISALOUIS**

No one attended.

RESOLVED
104/13

That the Development Consent Authority vary the requirements of clause 6.5. (Parking Layout), 7.3.1 (Additional Setback Requirements for Residential Buildings longer than 18 meters and for Residential Buildings Over 4 Storeys in Height) and clause 7.5 (Private Open Space) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 10943 (40) Bailey Circuit, Town of Nightcliff for the purpose of 2 x 3 bedroom multiple dwellings in a single storey buildings, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Darwin's stormwater drainage system shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings numbered 2013/0230/1 through to 2013/0230/6, 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. The owner of the land must enter into agreements with the relevant authorities for the provision of drainage, water supply, sewerage facilities and electricity and telecommunication networks to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of, and be at no cost to the City of Darwin, to the satisfaction of the consent authority.
6. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways;
 - (c) collect stormwater and discharge it to the drainage network; and
 - (d) undertake reinstatement works;

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

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. 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.
9. 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.
10. 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.
11. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.
12. Soil erosion and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

NOTES:

1. Notwithstanding the approved plans, any works and/ or landscaping within Council's road reserve is subject to Council's approval and shall meet all Council's requirements to the satisfaction of the City of Darwin and at no cost to Council.
2. The Power and Water Corporation advises that:
 - Payment is to be made in accordance with PAWC's 'water and sewerage services extension policy' (WASSEP) prior to the receipt of development clearance from PAWC;
 - Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and the Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the servicing requirements of the Corporation, and the need for upgrading of on-site and/or surrounding infrastructure;
 - 24 hour access to the 1 x 1m electricity easement within the property is to be maintained; and
 - It is a requirement that the water service to the units be multi-metered.
3. The Department of Lands, Planning and the Environment's 'Environment Protection Agency' advises that construction work should be conducted in

accordance with the Department'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.

4. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development is available from the Department of Land Resource Management.
5. Telstra advises that the developer is required to contact "Dial Before You Dig" on 1100 to obtain a location of the Telstra network, and arrange for any removal or relocation if required.

REASONS FOR THE DECISION

1. The development accords with the purpose of Zone SD23 (Specific Use No. 23 – Darwin). It is for the development of a lot within stage 2 of the Muirhead subdivision, facilitating the use and development of this land, providing "housing choice through a range of lot sizes and housing types".
2. As a site identified for multiple dwelling purposes, subject to assessment against the relevant clauses for a site zoned MD (Multiple Dwelling Residential), it can be seen to suit the purpose of Zone MD (Multiple Dwelling Residential), by providing "a housing option to a height of two storeys above ground level" and being of a "scale, character and architectural style" that is "compatible with the streetscape and surrounding development".
3. Prior to the commencement of works (including site preparation), the applicant is to prepare a Site Construction Management Plan for the management and maintenance of the site during construction, to the requirements of the City of Darwin, to the satisfaction of the consent authority.
4. A variation to the requirements of clause 7.3.1 (Additional Setback Requirements for Residential Buildings longer than 18 meters and for Residential Buildings Over 4 Storeys in Height) of the Northern Territory Planning Scheme is acceptable as the non-compliant portion of the development is very minor, the proposal complies with the building envelop endorsed for the site, and presents a development that satisfies all elements of the purpose of clause 7.3 (Building Setbacks of Residential Buildings) in that it will have no noticeable impact on the streetscape, will have a negligible impact on building massing and breeze penetration, and will not result in any overlooking impacts.
5. A variation to the requirements of clause 7.5 (Private Open Space) of the Northern Territory Planning Scheme is supported as the variations to the dimensional control are minor, and the western unit is provided with a space that exceeds the area requirements of the clause and clearly remain compatible with the purpose of clause 7.5, being to provide each

dwelling with "private open space that is appropriately sited and of an adequate size for domestic purposes".

6. City of Darwin advises that it is the sole authority responsible under the *Local Government Act* and associated by-laws for stormwater drainage, and as such it has requested details of the collection and discharge of stormwater run-off.

ACTION: Notice of Consent and Development Permit

ITEM 2
PA2013/0045

20 X 2 AND 1 X 4 BEDROOM MULTIPLE DWELLINGS IN A 4 STOREY BUILDING INCLUDING GROUND LEVEL CAR PARKING LOT 2532 (10) DUKE STREET, TOWN OF DARWIN
ROSSI ARCHITECTS

APPLICANT

Mr Rossi Architects (Architect), Mr Andrew Milatos (Developer) and Mr Brody McDonald attended.

RESOLVED
105 /13

That, the Development Consent Authority vary the requirements of Clause 6.5.3 (Parking Layout), Clause 7.3 (Building Setbacks of Residential Buildings) and 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 2532 (10) Duke Street, Town of Darwin, for the purpose of 20 x 2 and 1 x 4 bedroom multiple dwellings in a 4 storey building including ground level car parking, subject to the following conditions:

CONDITION PRECEDENTS

1. Prior to 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 the stormwater drainage system, to the requirements of the City of Darwin and/or Department of Lands, Planning and the Environment, as the case may be, to the satisfaction of the consent authority.
2. Prior to the commencement of works (including site preparation), a Traffic Management Plan for the construction phase shall be prepared to the satisfaction of the Department of Transport (including details regarding the provision of public transport services during the construction phase), to the satisfaction of the consent authority.
3. Prior to the commencement of works (including site preparation), the applicant is to prepare a Site Construction Management Plan for the management and maintenance of the site during construction, to the requirements of the City of Darwin, to the satisfaction of the consent authority.
4. Prior to the commencement of works (including site preparation), a landscape plan to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and two copies must be provided. The plan must show:

- (a) details of the landscaping proposed for the entire site including canopy trees;
- (b) details of surface finishes of pathways and driveways;
- (c) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
- (d) landscaping and planting within all open areas of the site; and
- (e) provision of an in ground irrigation system to all landscaped areas.

All species selected must be to the satisfaction of the consent authority.

GENERAL CONDITIONS

- 5. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
- 6. The applicant is to prepare a Waste Management Plan demonstrating waste disposal, storage and removal in accordance with City of Darwin's Waste Management Policy 054, to the requirements of the City of Darwin and to the satisfaction of the consent authority.
- 7. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and telecommunication networks to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
- 8. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
- 9. 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.
- 10. 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.
- 11. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the consent authority.
- 12. All substation, fire booster and water meter arrangements are to be appropriately screened to soften the visual impact of such infrastructure on the streetscape, to ensure that the infrastructure is sympathetic to and blends in with the design of the building. Details will need to be resolved to the satisfaction of the consent authority in consultation with the Power and Water Corporation, and Fire and Emergency Services.

13. 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.
14. Before the use commences the developer/ owner must, in accordance with Part 6 of the *Planning Act*, pay a monetary contribution to the City of Darwin's Developer Contributions Plan for stormwater drainage works for Stuart Park 2004/01B, to the satisfaction of the consent authority.
15. Before the use commences the developer/ owner must, in accordance with Part 6 of the *Planning Act*, pay a monetary contribution to the City of Darwin's Developer Contributions Plan for road works infrastructure for Stuart Park 2003/01A, to the satisfaction of the consent authority.
16. 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.

17. 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, and 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.

18. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
19. 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.
20. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority.

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunications facilities.
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. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development is available from the Department of Land Resource Management.
5. 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.

REASON FOR THE DECISION

1. The proposal to develop the site for the purpose of 20 x 2 and 1 x 4 bedroom multiple dwellings in a 4 storey building with ground level carparking is consistent with the primary purpose of Zone MR (Medium Density Residential), which is to "provide for a range of housing options to a maximum height of four storeys above ground level", and that the development is considered to be of a "scale, character and architectural style [that is] compatible with the streetscape and surrounding development".
2. A variation to Clause 6.5.3 (Parking Layout) is acceptable as only a small portion of the carparking area encroaches into the front setback, with the minor non-compliance resulting from the 1m manoeuvring area allowing parking spaces at the end of the driveway to manoeuvre and exit in a forward direction. It is considered that the proposed car parking layout is generally in accordance with the purpose of clause 6.5.3 as it is appropriately designed, constructed and maintained for its intended purpose.

3. A variation to clause 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme is acceptable as the encroachment into the setbacks required occurs for a small portion of the balconies only. The degree of non-compliance is minor and the resultant development is seen to be in line with the purpose of clause 7.3 in that it is compatible with the streetscape and surrounding development, will have minimal impact on building massing when viewed from adjoining land and the street, will not result in any overlooking of adjoining properties, and will not affect breeze penetration. The special circumstances required under clause 2.5 (Exercise of Discretion by the Consent Authority) with regard to clause 7.3 (Building Setbacks of Residential Buildings) come from unique characteristics of the site including a public park located to the side and rear and a large verge between the site and Duke Street. The minor nature of the variation being sought must also be acknowledged, and is accepted as a special circumstance as per clause 2.5 (Exercise of Discretion by the Consent Authority).

4. A variation to clause 7.3.1 (Additional Setback Requirements for Residential Buildings Longer than 18m and for Residential Buildings Over 4 Storeys in Height) of the Northern Territory Planning Scheme is acceptable as the unique site characteristics and building design create an openness to the building's façades. Pursuant to section 51(b) of the *Planning Act*, a consent authority must, in considering a development application, take into account any proposed amendments to the planning scheme. A revision to clause 7.3.1 is currently on exhibition, and it is considered that the design of the residential building is consistent with the purpose of the revised clause, which is to ensure that residential buildings are located so as to minimise any adverse effects of building massing and visual bulk when viewed from adjoining land and the street. This, along with the identified unique features of the site and surrounds, are considered to represent a cumulative 'special circumstance' to vary clause 7.3.1.

5. 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.

ACTION: Notice of Consent and Development Permit

**ITEM 3
PA2013/0228**

**THREE STOREY SINGLE DWELLING WITH REDUCED FRONT AND SIDE
SETBACKS**

**PLANNER
APPLICANT**

**LOTS 5863 & 5864 (7) & (8) PERKINS COURT, TOWN OF DARWIN
ANTHONY BRENNAN
MASTERPLAN NT**

Mr Brad Cunnington and Mr Mick Hannan, Ms Adelle Godfrey and Mr Clive Clements attended.

**RESOLVED
106/13**

That, the Development Consent Authority vary the requirements of Clause 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(a) of the *Planning Act*, consent to the application to develop Lot 5863 & 5864 (7 & 8) Perkins Court, Town of Darwin for the purpose of a three storey single dwelling with reduced front and side setbacks, subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings numbered 2013/0228/1 through to 2013/0228/5, endorsed as forming part of this permit.
2. Prior to the commencement of works, 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.
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. 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. 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.
6. The owner shall:
 - e. remove disused vehicle and/ or pedestrian crossovers;
 - f. provide footpaths/ cycleways;
 - g. collect stormwater and discharge it to the drainage network; and
 - h. 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. An Occupancy Permit under *Building Act* must not be issued until Lots 5863 & 5864, Town of Darwin have been consolidated and a new title issued for the consolidated lot.
8. 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.

9. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.
10. 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' 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 accordingly 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.
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. 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. The proposed single dwelling is consistent with the purpose of Zone SD (Single dwelling) of the Northern Territory Planning Scheme, being to provide for single dwelling on individual lots.
2. The variation to the requirements of Clause 7.1.2 (Residential Height Limitations) for a 3 storey dwelling is acceptable as only small portions of the verandah and bedrooms are more than 7m above ground level. The areas of non-compliance are minor, and not expected to cause any undue overlooking to adjoining properties. The building presents to Perkins Court as a 2 storey dwelling, with the basement level largely below ground, and will only be noticeable from the rear boundary (Cullen Bay marina), and therefore will not adversely affect the amenity of the surrounding area.

3. A variation to the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) is acceptable. The proposed carport is setback 1m front the front boundary, however the solid built form of the building is setback over 12 metres, which greatly reduces the overall scale of the development when viewed from Perkins Court. The design of the carport is expected to provide a high quality appearance and is considered compatible with the streetscape and surrounding development. The proposal seeks a 0m side setback to the building along the eastern boundary and 1.1m setback to the BBQ structure and 1m to the carport along the western boundary. It is considered that a variation is acceptable in this instance given the eastern boundary setback is consistent with the relaxed setbacks endorsed under the previous planning policy for the area, and the relatively minor non-compliance along the western boundary due to the BBQ and carport encroaching into the setback requirements. The main building is setback 9m from the western side, which promotes breeze penetration through and between buildings, and there is not expected to be undue overlooking to the adjoining property.
4. Darwin City Council advises it is the sole authority responsible under the Local Government Act and associated by-laws for stormwater drainage and as such has requested details of the collection and discharge of stormwater for this proposal.

ACTION: Notice of Consent and Development Permit

ITEM 4
PA2013/0147
APPLICANT

THREE STOREY SINGLE DWELLING WITH A REDUCED SIDE SETBACK FROM THAT REQUIRED IN ZONE SD20 (SPECIFIC USE DARWIN NO. 20) LOT 7748 (57) RUDDICK CIRCUIT, TOWN OF DARWIN
KILLARNEY HOMES PTY LTD

Mr Damian Moriarty attended.

RESOLVED
107/13

That, the Development Consent Authority vary the requirements of Clause 7.1.2 (Residential Height Limitations) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application to develop Lot 7748 (57) Ruddick Circuit, Town of Darwin for the purpose of a three storey single dwelling with a reduced side setback from that required in Zone SD20 (Specific Use Darwin No. 20), subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Darwin stormwater drainage system shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority. The plan shall include details of site levels and Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings numbered 2013/0147/01 to 2013/0147/08 endorsed as forming part of this permit.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, 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.
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. 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.
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.
7. 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.

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. The Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency's Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
3. A "Permit to Work Within a Road Reserve" may be required from the City of Darwin before commencement of any work within the road reserve.

REASONS FOR THE DECISION

1. Lot 7748 is within Zone SD20 (Specific Use Darwin 20) of the NT Planning Scheme. The purpose of this zone is to facilitate the subdivision, use and development of land as a residential estate. The

proposal is for a 3 storey single dwelling which is considered to be consistent with this zone purpose.

2. A variation to the two storey height limit of Clause 7.1.2 (Residential Height Limitations) and SD20 of the Scheme is acceptable as the proposal is considered to be consistent with the objective of the clause by proposing a development that is of a compatible height and scale as properties on surrounding properties. There are a number of other three storey dwellings already developed in the estate which are of a comparable height and scale as the proposed dwelling.

A reduction in the eastern side boundary from the 3m setback required is acceptable as the eave encroachment will allow greater shading of windows and walls and will break up any visual bulk of the wall facing the eastern boundary. Furthermore, the encroachment caused by the location of the pool is considered to balance the scale of the development and the slope of the land and results in a street elevation that is more in keeping with the design and scale of existing developments.

ACTION: Notice of Consent and Development Permit

**ITEM 5
PA2013/0218**

**2 X 2 AND 80 X 3 BEDROOM MULTIPLE DWELLINGS IN 41 SINGLE STOREY BUILDINGS
SECTION 5874 (69) BOULTER ROAD, HUNDRED OF BAGOT
MASTERPLAN NT**

APPLICANT

Mr Brad Cunnington (Master Plan), Mr Andrew Cumming (Burne Design), and Ms Adele Godfrey attended.

**RESOLVED
108/13**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the proposal to develop Section 5874 (69) Boulter Road, Hundred of Bagot, for the purpose of 2 x 2 bedroom and 80 x 3 bedroom multiple dwellings in 41 single storey buildings, subject to provision of the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

1. A setback of 6m for all buildings, and 4.5m for all open structures, or similar, to the site's southern boundary, to the satisfaction of the consent authority.
2. An improved definition of the internal road network, including the provision of kerbing and guttering, and the potential for footpaths allowing for north-south and east-west pedestrian movement to the road-side of all proposed dwellings, more clearly delineating the road network from the private realm and providing for greater levels of pedestrian safety and access, to the satisfaction of the consent authority.
3. The inclusion of a larger centralised recreational open space area for common use by all future residents of Section 5874, Hundred of Bagot, to the satisfaction of the consent authority.

REASONS FOR THE DECISION

1. A setback in line with the commonly identified primary street setback requirements of clause 7.3 (Building Setbacks of Residential Buildings) will allow for a consistent streetscape outcome for all developments along Boulter Road, noting that such setbacks were proposed on the development approved on the neighbouring site to the west, Section 5602, Hundred of Bagot, as permitted by clause 2.5 (Exercise of Discretion by the Consent Authority) of the NT Planning Scheme, which enables the consent authority to impose a higher standard when it considers it necessary to do so, and through reference to section 51(n) of the *Planning Act*, which considers the potential impact on the existing and future amenity of the area in which the land is situated.
2. Greater delineation between the road network and the private realm is required in recognition of the current inability to walk across the site, and a desire to improve safety for pedestrians, in response to the principles given in subclauses 3(b) and 4(d) of clause 14.1.2 (Berrimah North Planning Principles), seeking clearly defined pedestrian and cycle paths, and identification of areas of pedestrian priority over vehicular traffic, and through reference to section 51(n) of the *Planning Act*, which considers the potential impact on the existing and future amenity of the area in which the land is situated.
3. A more clearly defined and useable recreational open space area is required in recognition of the number of residents being introduced to this area and current lack of such common recreational facilities or spaces, in response to the principles given in subclause 3(e) of clause 14.1.2 (Berrimah North Planning Principles), through the provision of landscaped public open spaces designed to facilitate comfortable and safe use during the day and night, as permitted by clause 2.5 (Exercise of Discretion by the Consent Authority) of the NT Planning Scheme, which enables the consent authority to impose a higher standard when it considers it necessary to do so, and with reference to section 51(n) of the *Planning Act*, which considers the potential impact on the existing and future amenity of the area in which the land is situated.

ACTION:

Notice of Consent and Development Permit

ITEM 6
PA2013/0235

159 X 1 AND 50 X 2 BEDROOM SERVICED APARTMENTS IN A 15 STOREY BUILDING INCLUDING CAR PARKING AT GROUND LEVEL AND LEVEL 1 PLUS 1 LEVEL OF BASEMENT CAR PARKING
LOTS 5953 & 6665 (6) CAREY STREET & (31) TIGER BRENNAN DRIVE, TOWN OF DARWIN

APPLICANT

ELTON CONSULTING

Mr Martin Klopper and Mr Tom Cotton (Elton Consulting) attended.

RESOLVED
109 /13

That, the Development Consent Authority vary the requirements of clauses 6.3.2 (Volumetric Control in Central Darwin), 6.3.3 (Urban Design Requirements in Central Darwin), 6.5.3 (Parking Layout) and 7.5 (Private Open Space) of the Northern

Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lots 5953 and 6665, Town of Darwin (6 Carey Street and 31 Tiger Brennan Drive) for the purpose of 159 x 1 bedroom and 50 x 2 bedroom serviced apartments in a 15 storey building including carparking at ground level and level 1 plus 1 level of basement carparking, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a 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. It is to include swept paths for waste collection vehicles entering and exiting the site and is to take into account vehicles parked along both sides of Carey Street. The report is to be to the approval of the City of Darwin, to the satisfaction of the consent authority.
2. Prior to the commencement of works (including site preparation) a schematic plan demonstrating all stormwater to be collected on the site and discharged into the local underground stormwater system, to the standards and approval of the City of Darwin and/ or the Department of Transport's Road Networks Division, to the satisfaction of the consent authority.
3. Prior to the endorsement of plans and prior to 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 should specifically address waste management, traffic control, haulage routes, stormwater drainage, and the use of City of Darwin land during construction.
4. Prior to the endorsement of plans and prior to commencement of works (including site preparation), the applicant is to submit amended plans showing a compliant number of on-site carparking spaces, as given by the requirements of clause 6.5.1 (Parking Requirements) of the NT Planning Scheme, to the satisfaction of the consent authority. This can be done by either:
 - a. Providing 216 carparking spaces; or
 - b. Reducing the net floor area not within a serviced apartment by 67.33m² (to give a total of no more than 166.67m²).
 - c. Awnings to the northwestern facade of the building, fronting Carey Street; or
 - d. The provision of evidence showing that awnings are not required, through shadow diagrams or similar.

GENERAL CONDITIONS

5. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.

6. Before the use/ occupation of the development starts, written confirmation, from a suitably qualified traffic engineer, that all on-site carparking spaces, the internal manoeuvring area/ accessway, motorcycle bays and the bicycle parking areas comply with Australian Standard AS 2890 (*Off-street carparking*), to the satisfaction of the consent authority.
7. Before the use commences the owner must, in accordance with section 70(5) of the *Planning Act*, pay a monetary contribution to the City of Darwin for any on-street car parking bays on Carey Street lost as a result of the development. The contribution is to be calculated in accordance with the requirements of section 70(6) of the *Planning Act*.
8. Before the use commences the owner must, in accordance with Part 6 of the *Planning Act*, pay a monetary contribution to the City of Darwin for the upgrade of local stormwater infrastructure, in accordance with its Stormwater Contribution Plan.
9. All noise attenuation works deemed necessary for the development to comply with Australian Standard AS 3671 'Road traffic noise intrusion – Building siting and design' are to be completed prior to issue of an Occupancy Permit under the *Building Act*.
10. All works recommended by the Traffic Impact Assessment report are to be completed to the requirements of the City of Darwin, to the satisfaction of the consent authority.
11. 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.
12. Any easements required for the reticulation of water supply, drainage, sewerage facilities, electricity or telecommunication services shall be provided in accordance with the relevant authority's requirements and applicable legislation at the time, at no cost to those authorities.
13. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and telecommunication networks to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
14. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin to the satisfaction of the consent authority.
15. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the consent authority.
16. Before the use or occupation of the development starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:

- (a) constructed;
 - (b) drained;
 - (c) line marked to indicate each car space and all access lanes; and
 - (d) clearly marked to show the direction of traffic along access lanes and driveways;
- to the satisfaction of the consent authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.
17. The owner shall:
 - i. remove disused vehicle and/ or pedestrian crossovers;
 - j. provide footpaths/cycleways;
 - k. collect stormwater and discharge it to the drainage network; and
 - l. undertake reinstatement works;all to the technical requirements of and at no cost to the City of Darwin and/ or the Road Networks Division of the Department of Transport, to the satisfaction of the consent authority.
 18. No polluted and/ or sediment laden run-off is to be discharged directly or indirectly onto adjacent land, roadways and stormwater drainage systems.
 19. Stormwater is to be collected and discharged into the local drainage network to the technical standards of, and at no cost to, the City of Darwin and/ or the Road Networks Division of the Department of Transport, as the case may be, to the satisfaction of the consent authority.
 20. 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.
 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. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

NOTES:

1. The Power and Water Corporation advises that:
 - Payment is to be made in accordance with PAWC's 'water and sewerage services extension policy' (WASSEP) prior to the receipt of development clearance from PAWC.
 - The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and the Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the servicing requirements of the

Corporation, and the need for upgrading of on-site and/or surrounding infrastructure.

2. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to the City of Darwin.
3. Notwithstanding the approved plans, any proposed works (including landscaping and structures) within Council's road reserve and Council land is subject to Council's approval and shall meet all Council's requirements, to the satisfaction of the General Manager of Infrastructure, City of Darwin and at no cost to Council.
4. The Department of Lands, Planning and the Environment's 'Environment Protection Agency' advises that construction work should be conducted in accordance with the Department'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.
5. Approval must be submitted to the Department of Defence for any cranes used during construction that will infringe on either the Obstacle Limitation Surfaces (OLS) or Procedures for Air Navigation – Operations (PAN-OPS) surfaces for Darwin Airport.
6. The Department of Defence has advised that separate approval is required from the Department of Defence under regulation 10 of the Defence (Areas Control) Regulations (DACR). Until such time as an approval is obtained the applicant is not to construct any structure on the site that exceeds 45m above ground level. Please refer to regulation 8 of the DACR, which outlines the application process and the information required. A copy of the regulation can be obtained at <http://www.comlaw.gov.au>.
7. All fencing to the Tiger Brennan Drive is to be to the standards of the Department of Transport, and any landscaping within the Tiger Brennan Drive road reserve is to be to the approval of the Department of Transport.
8. Any services or connections within the Tiger Brennan Drive road reserve are subject to approval from the Department of Transport.
9. It is advised that any works within the Tiger Brennan Drive road reserve will require a 'Permit to work within a road reserve' from the Department of Infrastructure.
10. The finish of any Prime Identification sign, if erected, shall be such that, if illuminated, day and night readability is the same and is of constant display (i.e. not flashing or variable message). The sign shall be positioned so as not to create sun or headlight reflection to motorists, and be located entirely (including foundations and aerially) within the subject lot.
11. The developer is required to contact 'Dial Before You Dig' on 1100 to obtain a location of the Telstra Network and arrange for any relocation if required. The

Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.

12. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities.
13. Should the development be unit titled, each dual key two-bedroom serviced apartment will be required to remain under a single unit title.

REASONS FOR THE DECISION

1. The proposal is consistent with the primary purpose of zone CB (Central Business), being “to provide for a diversity of activities including administrative, judicial, professional, office, entertainment, cultural, residential, retail and other business activities, with a commitment to the separation of incompatible activities”. The use is not considered to conflict with existing uses within the vicinity of Lot 8106, Town of Darwin.
2. A variation to the requirements of clause 6.3.2 (Volumetric Control in Central Darwin) of the Northern Territory Planning Scheme is supported as the non-compliance affecting the southwestern/ side facade equates to 5.24m or 7.6% of the length of the adjacent boundary. As all other facades are compliant and the non-compliance is minor, and is not in place for the top two levels of the development, this is seen as acceptable, and not to conflict with the purpose of the clause, being to “ensure that the siting and mass of buildings within Central Darwin promotes a built form that maximises the potential for view corridors to Darwin harbour, the penetration of daylight and breeze circulation between buildings, and promotes privacy for residents of adjoining properties”.
3. Special circumstances, as per clause 2.5 (Exercise of Discretion by the Consent Authority) are seen to result from the site’s irregular shape and the effect that two non-linear boundaries have on the building. The development incorporates setbacks of a minimum of 6m around the perimeter of the building for Tier 2, with a small void at the northwestern end of the building and a significant void above the communal open space area, for all levels beyond level 3, not impacting on access to views to Darwin harbour, and will not have any noticeable impact on daylight and breezes, in addition to the fact that the building, at a height of 45.4m is well below the maximum permissible in the Central Darwin Core Area. This non-compliance is also identical to that approved through DP12/0668.
4. A variation to the requirements of clause 6.3.3 (Urban Design Requirements in Central Darwin) of the Northern Territory Planning Scheme is supported. The non-compliance against subclauses 4(a) and 5 are seen as acceptable in the context of the site being separated from the majority of the Darwin CBD by McMinn Street and there being no

through access to the north, meaning that the potential for pedestrian thoroughfare is genuinely limited. Although parking spaces are provided at ground level, none will be visible from the street or from other sites, this pointing most directly towards the intention of this clause, for “exemplary urban design”. The non-compliances against subclause 9 and for an active interface to be provided constituting 75% of the length of the site boundary at street level are also deemed acceptable in the context of the location of the site and the level of active interface that is provided, with the development presenting an assessed active frontage of 68.8% or a shortfall of just 2.6m in street frontage. The development presents landscaping in addition to a guest services room and lift lobby and reception rooms. It is also noted that the substation fronting Carey Street is to be partly screened by a ‘green wall’ and shall include additional landscaping on its roof. Considering this the development’s attention to the requirements of clause 6.3.3 is seen as acceptable and appropriate.

5. A variation to the requirements of clause 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme is supported as confirmation is to be obtained from a suitably qualified traffic engineer that the carparking area and all parking spaces (inclusive of car, motorcycle and bicycle parking spaces) will comply with Australian Standard AS2890, which gives an assurance as to the workability of the parking area and its connection to the purpose of the clause, “to be appropriately designed, constructed and maintained for its intended purpose.. of vehicular parking only”. The number of ‘short car’ bays constitutes 10 out of 214 spaces, or 4.7%, an acceptable proportion for a large multi storey development, and commonly necessary to make use of awkward spaces within a development, noting that the site is not square and that all ‘small car’ bays are located adjacent to the ramp ingress/ egress points and the lift area on each parking level. As all spaces are for residents of the development there is also seen to be a greater level of familiarity with the parking area and predictability to its use to account for the waiver to this clause.
6. A variation to the volumetric controls of clause 7.5 (Private Open Space) of the Northern Territory Planning Scheme is supported as the 25 dwellings that have private open space areas that incorporate dimensions that are not in accord with the table to the clause have areas of 2.3m x 5.5m or 2.4m x 4.4m, each only slightly less than the standard given in the table of a space measuring 2.8m x 4m. Importantly, the area provided for each dwelling is greater than the 12m² given by clause 7.5, and extends directly from the main living space, providing a useable space for future residents, the majority of which also enjoy good views to Carey Street or over Tiger Brennan Drive, towards Darwin harbour. The tapering of the site, to the northern end of Carey Street, is also seen as a special circumstance, in accordance with clause 2.5 (Exercise of Discretion by the Consent Authority), constraining any regular shaped development along this part of the site.
7. A traffic impact assessment report, in accordance with the Austroads document ‘Guide to Traffic Management Part 12: Traffic Impacts of

Developments', is required in order to demonstrate that the development can be supported without undue impact on the site and locality. The City of Darwin specifically requests that a traffic impact assessment report be undertaken that relates purely to the proposed development.

8. 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 the local underground stormwater system, to the appropriate standards, and to ensure that no stormwater will sheet-flow into the road reserve or onto adjoining properties.
9. Payment in lieu to Council for the removal of any on-street parking spaces is supported as it is necessary that compensation be provided for the loss of an existing Council asset.
10. In accordance with the requirements of section 51(m) of the *Planning Act*, consideration has been given to all comments received from service authorities, with all relevant matters addressed through conditions or notes on the development permit, thereby ensuring that an appropriate level of service is maintained for the site and surrounding locality.
11. The request for awnings, or for evidence to confirm that awnings are not required, is in response to the necessary consideration of section 51(n) of the *Planning Act*, which states that the consent authority must take into account the potential impact on the existing and future amenity of the area in which the land is situated, giving particular consideration to the potentially harsh impacts of the sun on the useability of the private open space areas of the units that front Carey Street.
12. Pursuant to section 51(n) of the *Planning Act*, the consent authority must take into account the potential impact on the existing and future amenity of the area in which the land is situated. Subsequently, noise attenuation, to the standards given in Australian Standard AS 3671 'Road traffic noise intrusion – Building siting and design' is to be undertaken to ensure an appropriate level of amenity to the future residents of the development, noting the proximity of many of the serviced apartments to Tiger Brennan Drive.

ACTION: Notice of Consent and Development Permit

ITEM 7
PA2013/0240
APPLICANT

2 X 3 BEDROOM MULTIPLE DWELLINGS IN A 2 STOREY BUILDING
LOT 10953 (3) JOSKE STREET, TOWN OF NIGHTCLIFF
THE TRUSTEE FOR KAMMAS FAMILY TRUST

Mr Evangelos and Ms Maria Kammass attended.

RESOLVED
110/13

That, the Development Consent Authority vary the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 10953 (3) Joske Street, Town of Nightcliff for the purpose of 2 x 3

bedroom multiple dwellings in a 2 storey building, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Darwin's 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 City of Darwin's stormwater drain connection point/s.
2. Prior to the commencement of works, the applicant is to submit a Waste Management Plan demonstrating waste disposal, storage and removal, to the requirements of the City of Darwin and to the satisfaction of the consent authority.

GENERAL CONDITIONS

3. The works carried out under this permit shall be in accordance with the drawings numbered 2013/0240/01 through to 2013/0240/08, endorsed as forming part of this permit.
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 and telecommunication networks 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 City of Darwin, to the satisfaction of the consent authority.
7. The owner shall:
 - a. remove disused vehicle and/or pedestrian crossovers;
 - b. provide footpaths/cycleways;
 - c. collect stormwater and discharge it to the drainage network; and
 - d. undertake reinstatement works;all to the technical requirements of and at no cost to the City of Darwin, to the satisfaction of the consent authority.
8. Storage for waste disposal bins is to be provided to the requirements of City of Darwin to the satisfaction of the consent authority.
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. 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.
11. 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.
12. 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 at ground level in a controlled manner to the satisfaction of the consent authority.
13. 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.
14. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
15. No polluted and/or sediment laden run-off is to be discharged directly or indirectly to City of Darwin drains or to any watercourse.

NOTES

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. The Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency's Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
3. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development is available from the Department of Land Resource Management.
4. Notwithstanding the approved plans, any works and/or landscaping within City of Darwin's road reserve is subject to City of Darwin approval and shall meet all of City of Darwin's requirements, to the satisfaction of and at no cost to the City of Darwin.

5. The Power and Water Corporation advises that:
 - 24 hour access to the 1 x 1m electricity easement within the property is to be maintained;
 - It is a requirement that the water service to the units be multi-metered; and
 - Water and Sewerage Systems Extension Policy (WASSEP) charges apply for this development; the developer should contact Services Development for further information.
6. The developer will be required to contact "Dial Before You Dig" on 1100 to obtain the location of the Telstra network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.

REASONS FOR THE DECISION

1. The proposed development is consistent with the purpose of Zone SD23 (Specific Use Darwin No. 23) of the Northern Territory Planning Scheme, being to facilitate the subdivision, use and development of the land as a residential estate that provides for housing choice through a range of lot sizes and housing types.
2. The design principles of Zone SD23 (Specific Use Zone Darwin No. 23) and the maximum building envelopes approved for Muirhead lots are considered to represent special circumstances for consideration.

A variation to the setback requirements of Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme is acceptable in this instance as the proposed development's compliance with the maximum building envelope for the site is considered a better outcome and more likely to address the objectives of Clause 7.3 and Zone SD23 than if the development were designed to fully comply, but also take full advantage of, the minimum setback requirements of Clause 7.3.

The 2 metre side setback to the western side boundary would be unlikely to have an adverse impact on the future dwelling to the west in terms of building massing, given the proposed skillion roof, regular placement of windows, use of blade walls and a variety of building materials, which would serve to break up this façade and soften its appearance when viewed from the neighbouring property.

The 2 metre setback would be unlikely to lead to instances of undue overlooking of the neighbouring property as the first floor habitable room windows would be frosted and the western side of the Unit 2 balcony screened.

The proposed siting of the building is considered to encourage breeze penetration through and between buildings as it maintains a 4.5 metre side-yard breezeway along the southern side boundary where only a 1.5 metre setback is required, thereby promoting the design philosophy of Zone SD23.

In relation to the 0.4 metre encroachment of the Unit 2 front porch into the 3 metre minimum setback from the eastern front boundary, a variation to the requirements of Clause 7.3 is acceptable given that the structure is also consistent with the purpose of this clause. Considering its location, non-habitable nature and open-sided design, the reduced setback would be unlikely to have an adverse visual impact on the streetscape in terms of building massing, facilitate overlooking of adjoining properties or compromise breeze penetration through and between buildings.

3. City of Darwin advises that it is the sole authority responsible under the *Local Government Act* and associated by-laws for stormwater drainage and waste management, and as such it has requested details of the collection and discharge of stormwater run-off and the storage and disposal of waste.

ACTION: Notice of Consent and Development Permit

ITEM 8 **SHADE STRUCTURE ADDITION TO AN EXISTING SINGLE DWELLING WITH**
PA2013/0241 **REDUCED FRONT AND SIDE SETBACKS**
 LOT 9616 (27) SOVEREIGN CIRCUIT, TOWN OF NIGHTCLIFF
APPLICANT **SOLSAVE PTY LTD**

Ms Leah Williams attended.

RESOLVED That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent
111 /13 Authority defer consideration of the application to develop Lot 9616 (27) Sovereign
 Circuit, Town of Nightcliff for the purpose of a shade sail addition to an existing single
 dwelling with a reduced front and side setback, pending submission of the following
 additional information considered necessary to enable a proper consideration of the
 application:


1. The applicant providing amended plans showing the length of the shade sail covers no more than 50% of the front of the site, to the satisfaction of the consent authority.

REASONS FOR THE DECISION

1. Receipt of this additional information will ensure that streetscape and amenity issues can be properly considered and assessed.

ACTION: Notice of Deferral

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


PETER MCQUEEN
Chairman

22/5/13