

DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 198 – FRIDAY 5 OCTOBER 2012

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

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

APOLOGIES: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), Peter Sdraulig, Steven Conn and Michael O'Neill (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 9.45 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 VEHICLE SALES AND HIRE
PA2012/0591 LOT 1760 (14) MCLACHLAN STREET, TOWN OF DARWIN
APPLICANT NEVILLE JONES SERVICES

Mr Neville Jones (Neville Jones Services) and Mr & Mrs Wilson (daughter of the owner) attended.

RESOLVED
249/12

That, the Development Consent Authority vary the requirements of Clause 6.3.3 (Urban Design Requirements in Central Darwin) and Clause 6.5.3 (Parking Layout) of the NT Planning Scheme, and pursuant to section 53(b) of the *Planning Act*, alter the proposed development and consent to the proposed development as altered to develop Lot 1760 (14) Mclachlan Street, Town of Darwin for the purpose of vehicle sales and hire, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of works (including site preparation) a full set of amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show a minimum 6m wide vehicle accessway abutting all car parking spaces in accordance with the requirements of Clause 6.5.3 (Parking Layout) of the NT Planning Scheme.
2. Prior to the commencement of works (including site preparation) a schematic plan is to be provided, demonstrating that all stormwater can be collected on the site and discharged to the requirements of City of Darwin. This plan is to include details of site levels and stormwater drain connection points within the vicinity of the site

GENERAL CONDITIONS

3. Works carried out under this permit shall be in accordance with the plans 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, sewerage facilities, and electricity services 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 owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways;
 - (c) collect stormwater and discharge it to the drainage network; and
 - (d) undertake reinstatement works;
 all to the technical requirements of and at no cost to City of Darwin to the satisfaction of the consent authority.

7. 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; and
 - (c) drained;
 to the satisfaction of the consent authority.
 Car spaces, access lanes and driveways must be kept available for these purposes at all times.

8. 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.

9. Pursuant to Part 6 of the *Planning Act*, 'Developer Contributions', a monetary contribution shall be paid to City of Darwin in accordance with Council's 'Developer Contribution Plans for Stormwater Drainage Works'

10. Storage and collection of waste disposal bins is to be provided to the requirements of City of Darwin to the satisfaction of the consent authority.

NOTES:

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

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

3. Notwithstanding the approved plans, any proposed works (including landscaping) within Council's road reserve is subject to Council's approval and shall meet all Council's requirements to the satisfaction of the General Manager of Infrastructure, City of Darwin and at no cost to Council.

REASONS FOR THE DECISION

1. The proposal is consistent with the primary purpose of Zone CB (Central Business), which is to provide for a diversity of activities including administrative, judicial, professional, office, entertainment, cultural,

residential, retail and other business activities, with a commitment to the separation of incompatible activities.

2. The requirement for amended plans showing a minimum 6m accessway width adjacent to all car parking spaces will ensure that car parking is functional as required by Clause 6.5.3 (Parking Layout) of the NT Planning Scheme.
3. Variations to Clause 6.3.3 (Urban Design Requirements in Central Darwin) is supported in this instance as the development does not propose any permanent structures, and the impermanence of the development would less likely prejudice future development of the site with a permanent building more capable of achieving the purpose of this clause.
4. Variations to Clause 6.5.3 (Parking Layout) for the car park to be unsealed and located adjacent to the Mclachlan Street property frontage reflect the car park's similarity with the vehicle display area which is neither sealed nor setback from either street frontage.

ACTION: Notice of Consent and Development Permit

ITEM 2
PA2012/0632
APPLICANT

3 X 4 BEDROOM MULTIPLE DWELLINGS IN A TWO STOREY BUILDING
LOT 10622 (4) BOWDITCH STREET, TOWN OF NIGHTCLIFF
DPL DEVELOPMENTS PTY LTD

Mr Darron Lyons (DPL Developments Pty Ltd) attended.

RESOLVED
250/12

That the Development Consent Authority vary the requirements of subclauses 3(g) and 3(i) of clause 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 10622 (4) Bowditch Street, Town of Nightcliff for the purpose of 3 x 4 bedroom multiple dwellings in a two storey building, subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings numbered 2012/0632/1 through to 2012/0632/10, endorsed as forming part of this permit.
2. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities and electricity and telecommunication networks to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

4. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the Council, to the satisfaction of the consent authority.
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. Before the use or occupation of the development starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat; and
 - (d) drained;to the satisfaction of the consent authority.
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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.
13. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.

14. -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.
 - The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and the Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the servicing requirements of the Corporation, and the need for upgrading of on-site and/or surrounding infrastructure.
3. Construction work should be conducted in accordance with the NRETAS Noise guidelines for development sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
4. It is an offence to cause an environmental nuisance under section 83(5) of the *Waste Management and Pollution Control Act*.
5. The developer is to contact Telstra via the following website prior to any work commencing to facilitate the installation of the Telstra network: <http://www.telstrasmartcommunity.com/>, and is to register the development with NBN Co at <http://www.nbnco.com.au/getting-connected/new-developments.html>.
6. 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 1 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. A variation to the requirements of subclauses 3(g) and 3(i) of clause 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme for the carparking area provided to units 2 and 3 is supported as the landscaping provided is practical and in keeping with the area, as evidenced by the submitted landscape plan, showing a variety of plans around the site and a large landscaped space to the intersection of Coleman and Bowditch streets. The two-way crossover, while non-compliant against subclause 3(i), is of a suitable width due to the quite low volume of traffic using it, the good sight lines and its appropriateness to the surrounding residential locality. The carparking area matches the purpose of clause 5.2 (Zone MD – Multiple Dwelling Residential) of the Planning Scheme, being "compatible with the streetscape and surrounding development". The carparking area that is provided is seen to have been "appropriately designed.. for its intended purpose", as per the purpose of clause 6.5.3 (Parking Layout) of the Planning Scheme.

ACTION: Notice of Consent and Development Permit

ITEM 3 **16 X 2 BEDROOM MULTIPLE DWELLINGS IN A 5 STOREY BUILDING**
PA2012/0388 **INCLUDING GROUND LEVEL CAR PARKING**
LOT 2467 (13) HOUSTON STREET, TOWN OF DARWIN
APPLICANT **NEVILLE JONES SERVICES**

Mr Neville Jones (Neville Jones Services) and Mr Hully Liveris (architect) attended.

RESOLVED That, the Development Consent Authority vary the requirements of Clauses 6.5.3
251/12 (Parking Layout), 7.1.1 (Residential Density Limitations), 7.3 (Building Setbacks of
Residential Buildings) 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 Lot 2467 (13) Houston Street, Town of Darwin for the purpose
of 16 x 2 bedroom multiple dwellings in a 5 storey building including ground level car
parking, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works, 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 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.

2. Prior to the commencement of works (including site preparation) a full set of amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show improved cross ventilation, particularly to the side walls, without increasing overlooking opportunities to abutting properties.

GENERAL CONDITIONS

3. Works carried out under this permit shall be in accordance with drawings endorsed as forming part of this permit.
4. Any development on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity and telecommunication services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
6. All proposed works impacting on Houston Street are to be designed, supervised and certified on completion by a practicing and registered civil engineer, and shall be in accordance with the standards and specifications of the City of Darwin. Drawings must be submitted to the City of Darwin for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".
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.
8. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths / cycleways;
 - (c) collect stormwater and discharge it to the drainage network; and
 - (d) undertake reinstatement works;all to the technical requirements of and at no cost to the City of Darwin, to the satisfaction of the consent authority.
9. Before the 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; and
 - (e) line marked to indicate each car space and all access lanes; to the satisfaction of the consent authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.
10. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.
 11. 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.
 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 to ground level in a controlled manner to the satisfaction of the consent authority.
 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. 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.
 16. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into City of Darwin drains or to any watercourse.
 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.

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. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from Department of Land Resource Management.

3. 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.
4. The developer will be 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.
5. The Power and Water Corporation advises the following:
 - The developer will upgrade the local water reticulation infrastructure;
 - The existing 20mm water service may require upgrading;
 - The existing sewer service may require upgrading;
 - It is confirmed that the existing sewerage easement within Lot 2467 is still required;
 - WASSEP charges apply for this development;

REASONS FOR THE DECISION

1. The proposed development is consistent with the purpose of Zone HR (High Density Residential) which is to provide high density housing options close to major roads, schools and other community facilities.
2. A variation to the requirements of clause 6.5.3 (Parking Layout) of the NT Planning Scheme for a 2.5 metre setback to the car parking area is satisfactory in this instance as landscaping and fencing provided within this setback area have been designed to lessen the visual impact of the car park, consistent with the purpose of this clause.
3. A variation to the requirements of clause 7.1.1 (Residential Density Limitations) is based on the minor nature of the non-compliance being only 0.6m² per dwelling, and there is no indication from any service authority that the infrastructure and services in the area cannot support the proposal as a direct result of the development's density.
4. Variations to clause 7.3 (Building Setbacks of Residential Buildings) for reduced front, side and rear setbacks of the residential building, and for reduced front and side setbacks of the ground level structures without walls are based on:
 - there being no habitable room windows or balconies within 3m of the side or rear property boundaries, such that there would not be any undue overlooking of abutting properties;
 - the required side and rear setback being due to the overall length and width of the building greater than 18m, although due to articulation of the building through varied building setbacks, building

materials and recessed elements, there would not be any additional building massing associated with the varied setbacks;

- the provision of a breezeway through the building which will facilitate breeze penetration through the site but has added to the overall length;
- the carport being largely an open sided structure and not located close to any habitable windows or private open space areas on abutting properties; and
- the gatehouse and covered bin storage being feature structures contributing to a varied front property boundary and streetscape;

and as such, the proposal is considered to satisfy the purpose of the clause which is to ensure residential buildings and structures without walls are located so 'as to minimise any adverse effects of building massing when viewed from adjoining land and the street', 'as to avoid undue overlooking of adjoining properties' and 'to encourage breeze penetration through and between buildings'.

5. A variation to clause 7.5 (Private Open Space) is on the basis that the area of private open space for each dwelling exceeds the minimum size requirement, is appropriately sited, and therefore consistent with the purpose of the clause.
6. In accordance with clause 2.5 (Exercise of Discretion by the Consent Authority) of the NT Planning Scheme, 'the consent authority may consent to the development of the land that does not meet the standards set out in Parts 4 or 5 only if it is satisfied that special circumstances justify the giving of consent'. In this instance, special circumstances in the form of a 5 storey building designed with significant articulation, largely responsive to the tropical environment, and with minimal off-site amenity impacts, will result in a development with significantly less overall height and massing, and significantly less visual impact on the streetscape and surrounding properties than a building of a height otherwise possible within Zone HR (High Density Residential).
7. The requirement for amended plans showing improved cross ventilation will enable greater breeze penetration and circulation as sought by part 2(j) of clause 7.8 (Building Design for Multiple Dwellings, Hostels and Supporting Accommodation) of the NT Planning Scheme.

ACTION: Notice of Consent and Development Permit

ITEM 4 **SHED ADDITION TO AN EXISTING SINGLE DWELLING WITH REDUCED FRONT
PA2012/0474** **AND SIDE SETBACKS**
APPLICANT **LOT 774 (85) RYLAND ROAD, TOWN OF NIGHTCLIFF**
ADAM SMALL

The applicant did not attend.

**RESOLVED
252/12**

That, pursuant to section 53(c) of the *Planning Act*, the Development Consent Authority refuse consent to the application to develop Lot 774 (85) Ryland Road, Town of Nightcliff for the purpose a shed addition to an existing single dwelling with reduced front and side setbacks.

REASONS FOR THE DECISION

1. The proposal does not achieve the objectives of Clause 6.11 (Garages and Sheds) of the NT Planning Scheme which is 'to ensure that garages and sheds are sited so they do not detract from the streetscape or the amenity of adjoining land'. The proposed shed structure will result in a development which is incompatible with the existing streetscape character of the area, and will have adverse impacts on the visual amenity of the immediate and wider surrounding area.
2. Reduced side setback is not supported as the development is likely to have adverse impact due to increased building mass when viewed from adjoining land and the streetscape. The proposed side setback is not consistent with the streetscape and surrounding development.
3. In accordance with cause 2.5 (Exercise of Discretion by the Consent Authority) of the NT Planning Scheme, 'the consent authority may consent to the development of the land that does not meet the standard set out in Parts 4 or 5 only if it is satisfied that special circumstances justify the giving of consent'. No special circumstances for the front setback encroachment have been identified which merits the granting of consent by the authority.

ACTION: Notice of Refusal

**ITEM 5
PA2012/0622**

MEDICAL CONSULTING ROOM (PHYSIOTHERAPIST) IN AN EXISTING SINGLE DWELLING

LOT 4601 (54) ROSEWOOD CRESCENT, TOWN OF SANDERSON

APPLICANT

MEREDITH NEILSON PHYSIOTHERAPY

Ms Meredith Neilson (Meredith Neilson Physiotherapy) attended.

**RESOLVED
253/12**

That the Development Consent Authority vary the requirements of clause 6.5.1 (Parking Requirements and clause 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 4601 (54) Rosewood Crescent, Town of Sanderson for the purpose of a medical consulting room (physiotherapist) in an existing single dwelling, subject to the following conditions:

GENERAL CONDITIONS

1. Works carried out under this permit shall be in accordance with drawings numbered 2012/0622/1 and 2012/0622/2, endorsed as forming part of this permit.

2. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities and electricity and telecommunication networks to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. The use may operate only between the hours of 8am and 6pm Monday to Friday, and between 8am and 1pm on Saturdays. All customers are to be seen on an appointment only basis.
5. Physiotherapy services are to be provided by one person only. The provider must be a resident of Lot 4601, Town of Sanderson.
6. The signage on the site is restricted to a total of 0.5m² in area.
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.

NOTES:

1. Notwithstanding the approved plan, all signage is subject to approval from the City of Darwin, and is to be at no cost to the City of Darwin.
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and the Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the servicing requirements of the Corporation, and the need for upgrading of on-site and/or surrounding infrastructure.
3. The Department of Health advises that all waste, including hazardous and toxic waste, must be disposed of in a manner that avoids the creation of nuisance, and should be to an appropriate waste disposal facility.

REASONS FOR THE DECISION

1. The proposal does not conflict with the primary purpose of Zone SD (Single Dwelling Residential) in that the principal use on the land will remain as being for a single dwelling on an individual lot. As also given in clause 5.1 of the Northern Territory Planning Scheme, the non-residential use approved by this permit is of a nature and scale that will be suited to providing a service to the local neighbourhood and will not see an undue detrimental effect on residential amenity.

2. A variation to the requirements of clause 6.5.1 (Parking Requirements) of the Northern Territory Planning Scheme is supported through the provisions of clause 6.5.2 (Reduction in Parking Requirements) of the Northern Territory Planning Scheme. Namely, the low intensity of the use and conditions imposed, restricting the hours of operation and ensuring that customers are met on an appointment only basis, are in direct connection to subclause 2(a) of clause 6.5.2, which allows the consent authority to "approve a use or development with fewer carparking spaces than required by clause if it is satisfied that a reduction is appropriate for the use or development, having considered the zoning of the land, the use or development or proposed use or development of the land and the possible future use or development of the land".
3. A variation to subclauses 3(c) and 3(g) of clause 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme is supported as the nature of the use does not incur the need for a fully functional and compliant carparking area. The use has restricted hours of operation and customers shall be met on an appointment only basis, meaning that the level of vehicular activity should only be minimally greater than that expected for a standard residential dwelling. Rosewood Crescent offers good sight lines and the ability for vehicles to park on-street if so required. The parking provided is considered sufficient to accord with the purpose of clause 5.1, for non-residential uses to "not have any detrimental effect on residential amenity", and clause 7.10.9, for a medical consulting room to be established and to operate in a manner that "does not detract from the amenity of the locality".
4. The use accords with all controls given in clause 7.10.9 (Medical Consulting Rooms) and is deemed to be in line with the purpose of the clause, that "medical consulting rooms are established and operated in a manner that does not detract from the amenity of the locality".

ACTION: Notice of Consent and Development Permit

ITEM 6
PA2012/0626
APPLICANT

5 x 2 BEDROOM MULTIPLE DWELLINGS IN 2 SINGLE STOREY BUILDINGS
LOT 1812 (4) MACKILLOP STREET, TOWN OF DARWIN
NIKOS SOFOCLEOUS, ATHENA SOFOCLEOUS, JACK PRIORE & SUE PRIORE

Mr Michael Alakiotis (architectural drafter) and Ms Athena Sofocleous (part owner) attended.

RESOLVED

25/4/12

That, the Development Consent Authority vary the requirements of Clauses 6.5.3 (Parking Layout), 7.3 (Building Setbacks of Residential Buildings), 7.5 (Private Open Space) and 7.7 (Landscaping) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 1812 (4) Mackillop Street, Town of Darwin for the purpose of 5 x 2 bedroom multiple dwellings in 2 single storey buildings, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works, the applicant is to submit an easement encroachment agreement with the Power and Water Corporation regarding the encroachment of the Unit 5 carport over the existing sewerage easement within the property.
2. Prior to the endorsement of plans and 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 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.
3. Prior to the commencement of works, a waste management plan addressing City of Darwin's Waste Management Policy 054 must be prepared to the requirements of the City of Darwin and to the satisfaction of the consent authority.

GENERAL CONDITIONS

4. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and telecommunication networks to each lot 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. 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 areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat; and
 - (d) drained;to the satisfaction of the consent authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.

9. 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.
10. 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.
11. 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.
12. 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.
13. 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.
14. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into the City of Darwin's drains or to any watercourse.
15. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. 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.
3. The Department of Natural Resources, Environment, The Arts and Sport (NRETAS) advises that construction work should be conducted in accordance with the NRETAS Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For

construction activities outside these hours refer to the guidelines for further information.

4. There are statutory obligations under the *Weeds Management Act* to take all practical measures to manage weeds on the property. For advice on weed management please contact the Department of Land Resource Management.
5. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from Department of Land Resource Management.
6. Power and Water Corporation has advised that the developer is responsible for safety clearance compliance between existing overhead powerlines in the area and any new building or extension during construction and at its completed stage, in accordance with the NT Electricity Reform (Safety and Technical) Regulations 2000.
7. 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 MD (Multiple Dwelling Residential), being to provide for a range of housing options to a maximum height of two storeys.
2. A variation to Clause 6.5.3 (Parking Layout) is supported, as the non-compliant section of the driveway would serve only as a means of access to the car parking spaces for each dwelling at the rear of the lot, for which the associated section of driveway meets the minimum 6 metre width requirement. The 5.7 metre would allow two cars to pass each other and meets the relevant Australian Standard for two-way driveways in residential developments.
3. A variation to Clause 7.3 (Building Setbacks of Residential Buildings) is supported. The reduced rear setback would not result in the development being incompatible with the streetscape and surrounding development and the single storey design would minimise any adverse effect in terms of building massing when viewed from adjacent land.

The screening vegetation proposed along the rear boundary would prevent instances of undue overlooking whilst the retention of the chain mesh fence would encourage breeze penetration to the eastern side of Building B.

4. A variation to Clause 7.5 (Private Open Space) is supported as each of the proposed dwellings provides an area of private open space which exceeds the minimum size requirement, is appropriately sited and of

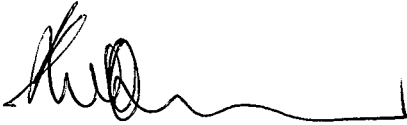
dimensions adequate to provide for domestic purposes, and are therefore consistent with the purpose of the clause.

The 1.7 metre solid screen fence on the side boundaries and between private open space areas is considered adequate given the single storey design and layout proposed, in which there would be limited overlooking opportunities.

5. A variation to Clause 7.7 (Landscaping) is supported as the nature and level of landscaping proposed is considered consistent with the purpose of the clause, as it would enhance and complement the streetscape and would contribute to an attractive and pleasant development. Given the single storey design, any benefit gained by increasing the amount of land devoted to landscaping would be disproportionate to the amenity lost as a result of reducing the size of dwellings within the development.
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 waste management and as such has requested details of the collection and discharge of stormwater run-off and waste storage and removal.

ACTION: Notice of Consent and Development Permit

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



PETER MCQUEEN
Chairman

10/10/12