

# *Development Consent Authority*

Northern Territory



GPO BOX 1680  
DARWIN NT 0801

Telephone No: (08) 8999 6044  
Facsimile No: (08) 8999 6055

In reply please quote: PA2014/0218

Northern Planning Consultants  
3/15 Somerville Gardens  
PARAP NT 0820

Attn: Mr Brad Cunnington

Dear Mr Cunnington

**NOTICE OF DETERMINATION (*SECTION 53A OF THE PLANNING ACT*)  
LOTS 1287, 1288, 1295 & 1296 (1 & 2 MONTORO CT AND 7 & 8 PACKARD PLACE) TOWN OF  
DARWIN**

The Development Consent Authority, in accordance with section 53(a) of the *Planning Act*, has determined to grant consent to the proposal to use and develop the land for the purpose of changes to DP13/0895 to allow changes to the number of dwellings and an increased building height (building 1) resulting in refurbishment of the existing motel plus 28 x 2 and 14 x 1 bedroom serviced apartments in an 8 storey building plus 8 x 3, 36 x 2 and 4 x 1 bedroom multiple dwellings in a 13 storey building, plus ground level and 3 basement levels of parking, subject to the conditions specified below.

NOTE: This is not a Development Permit. No use of the land or development works in accordance with this Notice of Determination may be carried out until such time as a Development Permit has been issued.

## **CONDITIONS**

### **CONDITION PRECEDENT**

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans and further information to the satisfaction of the consent authority must be submitted to and approved by the consent authority and must include:
  - a) Provision of one additional loading bay on the site located such that it can service all uses on the property and that complies with the minimum dimensions specified in Clause 6.6 (Loading Bays). This loading bay is to be provided in addition to the existing loading area approved through DP13/0895 and as amended through this permit;
  - b) Removal of the alfresco areas shown to be provided within the Smith Street road reserve (controlled by the City of Darwin); and
  - c) Confirmation from Power and Water Corporation that the sewer easement has been appropriately extinguished or relocated. This is to be undertaken to the requirements of Power and Water Corporation, to the satisfaction of the consent authority. Following extinguishment/relocation of Power and Water Corporation's sewer easement, a new

survey plan will need to be obtained from the Land Titles Office and issued to the consent authority.

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

## **GENERAL CONDITIONS**

6. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
7. An Occupancy Permit under the Building Act shall not be granted until such time as Lots 1287, 1288, 1295 and 1296, Town of Darwin, have been consolidated and a new title issued in respect of that consolidated allotment.
8. 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.
9. 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.
10. 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 networks to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
11. 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.
12. The kerb crossings 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.

13. 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.
14. 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.
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. 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.
17. 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.
18. All air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view and from view of neighbouring or nearby developments (or developments reasonably anticipated), 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. The use of angled louvered slats for screening purposes is acceptable, however the slat screening must be designed with a panel to gap ratio, such that the condenser units are not readily visible from any angle.
19. 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.
20. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.
21. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
22. Each dual-key dwelling is to remain within the one unit entity (single ownership/single title) in the event that the development is unit titled.

**NOTES:**

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's

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

2. 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 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.
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. Separate approval may be 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. 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.
8. 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

### **REASONS FOR THE DETERMINATION**

1. The development is consistent with the primary purpose of zone TC (Tourist Commercial), to "Provide for uses or development servicing tourism, including commercial and residential activities", noting the retention of the existing motel use and development and the intensification of accommodation options across the site.
2. The proposed amendments are seen to continue to be consistent with the purpose of clause 5.10 (Zone TC – Tourist Commercial), by providing development considered to be "of a scale and character that is compatible with uses or development nearby", given the context of the site's proximity to the CB (Central Business) zone and the existence of a number of mid to high rise buildings (six to nine storeys) within close proximity. The additional level to Building 1 is consistent with the Authority's previous consideration that the buildings proposed are 'fairly open in nature and the articulation and interest provided by this design, through its varied heights and 'tropical' features, are seen as positive aspects'.
3. A variation to clause 7.3.1 (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 considered appropriate as the additional storey is consistent with the setbacks approved for the remainder of the building. The overall design of the eighth storey is consistent with the design of each of the other storeys that were previously considered by the Authority to be 'open and tropical despite their multi-level nature' and generally in keeping with the purpose of clause 7.3 and 7.3.1 which suggest the inclusion of features such as this in the design of residential buildings. Requiring a compliant or increased setback for the eighth floor alone is likely to appear out of character with the design of the rest of the building. The additional storey takes Building 1 to a comparable height with the existing water tower located directly adjacent and existing building on Packard Place across the road, and is still well below the overall height of the 13-storey building which is also approved on the site.

4. The requirement to provide the additional loading bay required by Clause 6.6 (Loading Bays) of the NT Planning Scheme on the property is expected to ensure the development is provided with sufficient loading areas to support the residential, motel and non-residential components of the land use without impacting on the surrounding road network or reliance on on-street car parking.

#### Rights of Appeal

Applicants are advised that a right of appeal to the Appeals Tribunal exists under Part 9 of the *Planning Act*. An appeal under section 114 against a determination of development application must be made within 28 days of the service of this notice.

Persons or a local authority who made submissions in accordance with section 49 of the Act, in relation to the development application are advised that a right of appeal to the Appeals Tribunal exists under Part 9 of the Act. An appeal under section 117 by a third party in respect of a development application must be made within 14 days of the service of this notice.

The Registrar of the Appeals Tribunal can provide information regarding the Notice of Appeal form and fees payable. The address for lodgement of a Notice of Appeal is: The Registrar, Appeals Tribunal, GPO Box 1281, DARWIN NT 0801 or Department of Justice, Level 3 Office of the Coroner, Nichols Place, Corner of Bennett and Cavenagh Street DARWIN NT 0801 (Telephone: 08 8999 5001 or Facsimile 08 8999 5005).

If within fourteen (14) days of this notice, no appeal is lodged with the Registrar, Appeals Tribunal, a Development Permit will be issued in accordance with the conditions shown on the attached schedule.

If you have any queries in relation to this Notice of Determination, please contact Development Assessment Services on telephone (08) 8999 6046.

Yours faithfully

  
**LINDA HENNING**  
Delegate

15/15/2014

Cc City of Darwin  
Mr Ken Moffitt – [km.moffitt@gmail.com](mailto:km.moffitt@gmail.com)