



**DEVELOPMENT CONSENT AUTHORITY**

**DARWIN DIVISION**

**MINUTES**

**MEETING No. 199 – FRIDAY 19 OCTOBER 2012**

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

**MEMBERS PRESENT:** David Hibbert (Presiding Member), Grant Tambling and Jeanette Anictomatis

**APOLOGIES:** Peter McQueen, Robin Knox and Garry Lambert

**OFFICERS PRESENT:** Margaret Macintyre (Secretary), Hanna Stevenson, Peter Sdraulig, Steven Conn, Michael O'Neill, Kate Rogers and Victor Oecker (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Nil

**Meeting opened at 9.30 am and closed at 10.45 am**

**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                    24 X 2 BEDROOM MULTIPLE DWELLINGS AND GROUND LEVEL COMMERCIAL  
PA2012/0453            IN A 3 STOREY BUILDING  
                              LOT 9716 (5) ROTHDALE ROAD, TOWN OF NIGHTCLIFF  
APPLICANT              YELLOWCITY PTY LTD

Mr Terry Nixon (Yellowcity Pty Ltd) attended.

Submitters:- Mr Barry Levard and Ms Lisa Peters attended.

**RESOLVED**  
**255/12**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the proposal to develop Lot 9716 (5) Rothdale Road, Town of Nightcliff for the purpose of 24 x 2 bedroom multiple dwellings and ground level commercial in a 3 storey building, to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

1. Amendments to the number of units proposed to achieve greater compliance with clause 7.1.1 (Residential Density Limitations) of the Northern Territory Planning Scheme. The Authority strongly encourages that in the absence of special circumstances to justify a variation of this clause, the proposal be amended to comply. Should a non-compliance against this clause be requested, special circumstance for the varying of clause 7.1.1 (Residential Density Limitations) of the Northern Territory Planning Scheme is required.
2. Specific design details of the communal open space area which ensures details that the area is suitable as communal open space for multiple dwellings. Items to take into account include (but are not limited to) fencing of the car park, the impact that shade will have on landscaping and grassed areas and the type of activities to be provided for in this area (eg barbeques, swimming pool, sitting and outdoor play for children).
3. 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. The report is to be to the approval of the City of Darwin, to the satisfaction of the consent authority. The report should also discuss the benefit of providing access to the site from the existing right-of-way over Lot 9717 Town of Nightcliff.
4. Confirmation from the Power and Water Corporation that the siting of the development does not conflict with any sewerage infrastructure clearances required by Power and Water Corporation.

## REASONS FOR THE DECISION

1. The identification of special circumstances or a redesign of the proposal to reach a greater level of compliance in relation to clause 7.1.1 (Residential Density Limitations) is required to enable a full assessment of application. Currently no special circumstances have been identified therefore the variation requested cannot be supported. Furthermore, it cannot currently be seen how the proposal accords with the purpose of the zone which leads the Authority to be concerned with the paucity of recognition of the commercial zoning of the land and the fact that an over-dense residential development further undermines this zoning.
2. A traffic impact assessment report, is required in order to demonstrate that the development can be supported without undue impact on the site and locality. This connects with the development's non-compliances against the prescriptive controls of the Northern Territory Planning Scheme, in particular the density proposed, which may be indicative of a development that is not consistent with land capability. In addition, this has been requested by City of Darwin who control the road from which the development gains direct access.
3. Specific design details of the communal open space is required to ensure that the proposal accords with the purpose and considerations of Clause 7.6 (Communal Open Space).
4. Confirmation from the Power and Water Corporation that the siting of the development does not conflict with any sewerage infrastructure clearances required by Power and Water Corporation is required as the development cannot, at the request of Power and Water Corporation, be approved in its current form, and discussion with the Power and Water Corporation in this regard is required for the development to proceed.

**ACTION:** Advice to Applicant

**ITEM 2  
PA2012/0650**

**DEPENDANT UNIT ADDITION TO AN EXISTING SINGLE DWELLING WITH  
REDUCED SIDE SETBACKS**

**APPLICANT**

**LOT 4291 (41) CARPENTIER CRESCENT, TOWN OF NIGHTCLIFF  
EMMANOUIL RINIOS**

Mr Emmanouil Rinios and Ms Marina Diakogiannis (interpreter) attended.

Submitter: Ms Angela Tait attended.

Members were shown photos taken from Ms Tait's property.

**RESOLVED  
256/12**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 4291 (41) Carpentier Crescent, Town of Nightcliff for the purpose of a dependant unit addition to an existing single dwelling with reduced side setbacks to require the applicant to provide

the following information that the Authority considers necessary to enable the proper consideration of the application:

1. Confirmation that the proposed dependant unit is to be used in accordance with the definition of "dependant unit" as contained in the Northern Territory Planning Scheme, which is "a dwelling ancillary to and constructed on the same site as a single dwelling for the purpose of providing accommodation for a dependant of a resident of the single dwelling". Should the future occupant of the dependant unit not in fact be a dependant of a resident of the single dwelling, this would be prohibited under the Northern Territory Planning Scheme and enforcement action can be undertaken.
2. A schematic plan is to be provided, demonstrating that all stormwater can be collected on the site and discharged underground to Council's stormwater drainage system, 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.
3. Amended plans which seek to limit the potential overlooking from the subject site to the neighbouring properties. Plan amendments may include but are not limited to landscaping, obscure glazing, window screening and removing windows.
4. Amended plans which seek to limit the potential building massing impact of the proposal as viewed from the neighbouring sites. Plan amendments may include but are not limited to landscaping and adjustment of the proposed building location on site.
5. A statement from a suitably experienced person that the development does not jeopardise the compliance of the internal boundary fences (during construction and once complete) under the *Swimming Pool Safety Act*.

#### REASONS FOR THE DECISION

1. Confirmation that the proposed dependant unit is to be used in accordance with the definition of "dependant unit" as contained in the Northern Territory Planning Scheme is required to ensure that the application is assessed under the correct Northern Territory Planning Scheme provisions and that the Authority has the ability to consider the application as a discretionary use.
2. A stormwater plan to the requirements of City of Darwin is required to ensure that stormwater collection is to the requirements of City of Darwin and the proposed building will not unduly impact the neighbouring properties by way of stormwater impacts.
3. Amended plans are required to ensure that the proposal is in keeping with the purpose of Clause 7.3 (Building Setbacks of Residential Buildings).

4. A statement in relation to compliance of the existing fencing in relation to the *Swimming Pool Safety Act* is required to ensure that compliance with this act is maintained.

**ACTION:** Advice to Applicant

**ITEM 3**                    **CONVERT AN EXISTING 3 BEDROOM MULTIPLE DWELLING TO 2 X 1**  
**PA2012/0659**           **BEDROOM MULTIPLE DWELLINGS (UNIT 2)**  
                             **LOT 2787 (5) HARRIET PLACE, TOWN OF DARWIN**  
**APPLICANT**           **JEFF ROHAN**

Mr Daniel Wilson (owner) attended.

**RESOLVED**  
**257/12**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 2787 (5) Harriet Place, Town of Darwin for the purpose of conversion of an existing 3 bedroom multiple dwelling to 2 x 1 bedroom multiple dwellings (Unit 2), subject to the following conditions:

1. The works carried out under this permit shall be in accordance with the drawing numbered 2012/0659/1 through 2012/0659/3 endorsed as forming part of this permit.
2. 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.
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 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.
5. 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.
6. 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 to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/ or surrounding infrastructure.

2. 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.

#### **REASON 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.

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

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



**DAVID HIBBERT**  
Delegate

23/10/12