



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 359 – FRIDAY 7 AUGUST 2020

**BROLGA ROOM
NOVOTEL DARWIN CBD
100 THE ESPLANADE
DARWIN CITY**

MEMBERS PRESENT: Suzanne Philip (Chair), Mark Blackburn, Marion Guppy, Simon Niblock and Peter Pangquee

APOLOGIES: Nil

LEAVE OF ABSENCE: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), Dawn Parkes and Emmet Blackwell (Development Assessment Services)

COUNCIL REPRESENTATIVE: Apology

Meeting opened at 1.45 pm and closed at 2.30 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

**PA2020/0178 ALTERATIONS AND ADDITIONS TO AN EXISTING MULTIPLE DWELLING DEVELOPMENT WITH A REDUCED FRONT SETBACK
LOT 1260 (6) MARSINA COURT, LARRAKEYAH, TOWN OF DARWIN**

APPLICANT One Planning Consult

Mr Israel Kgosiemang (One Planning Consult) and Mr Savvas Savvas (Savvas Savvas Architect) attended.

Mr Kgosiemang tabled an amended plan showing the provision of 14 car parking spaces.

**RESOLVED
144/20**

That, pursuant to section 46(4)(b) of the *Planning Act 1999*, the Development Consent Authority defer consideration of the application to develop Lot 1260 (6) Marsina Court, Town of Darwin for the purpose of alterations and additions to an existing multiple dwelling development with a reduced front setback, 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. Amended plans to show the provision of 14 car parking spaces as required by Clause 5.2.4.1 (Parking Requirements) of the Northern Territory Planning Scheme 2020 (NTPS2020).
2. An assessment of the amended layout against the relevant provisions of the NTPS2020.
3. A draft Unit Plan reflecting the amended car parking layout and elevator addition, inclusive of car parking space allocations, ensuring that the proposed tandem car parking spaces (shown as numbers 11 and 14 on the plan tabled at the 7 August 2020 DCA meeting) are allocated within the same unit entitlement.
4. Written confirmation from a suitably qualified professional that the unit titling can be effected in such a way that the proposed reconfiguration of the car parking layout and elevator addition, can be successfully executed in the case that a development permit is subsequently granted to this effect.

REASONS FOR THE DECISION

1. The proposal is for the addition of an elevator to the front of an existing five storey building which is comprised of seven multiple dwellings (5 x 2 bedroom and 2 x 3 bedroom). The intention of the proposal being the improvement of accessibility to the upper levels of the building, providing access to the first four levels. The design of the elevator addition also includes planter boxes at levels one and three, open pergola roof structures to levels three and four, as well as landing areas at each level which join the elevator entrance door to the existing balconies on levels one to four.

2. An application is required for planning permission as Dwelling-multiple in Zone HR (High Density Residential) of the NTPS2020 is a Merit Assessable use and requires consent. Furthermore, the proposal requests a variation to Clause 5.2.4.1 (Parking Requirements), as well as a variation to the primary street setback required by Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures) of the NTPS2020.
3. The Authority noted the information contained within the DAS report and the recommendation to defer consideration of the application. The Authority also noted the information provided by the applicant in support of the application and in particular in support of a reduction in parking requirements pursuant to Clause 5.2.4.2 (Reduction in Parking Requirements outside of Zone CB in Darwin) of the NTPS2020.
4. The Authority considered that the loss of one car parking space would impact negatively on the amenity of the surrounding locality and the Authority was not of a mind to support a variation to Clause 5.2.4.1 (Parking Requirements) of the NTPS2020.
5. During the DCA meeting on 7 August 2020, the Authority questioned the applicant as to whether it would be possible for the design of the proposed elevator to be altered in order to retain the site's existing parking layout and Unit Title allocation of the 14 car parking spaces currently approved on site. The applicant responded that this option had been considered, however was not possible given the design of the existing building and constraints in regard to building code requirements pertaining to accessibility and fire safety.
6. The applicant tabled a revised site plan providing an option for an amended car parking layout enabling the proposed addition of an elevator, whilst ensuring the required 14 car parking spaces are provided on site. The applicant suggested that the revised site plan was compliant in respect to applicable landscaping requirements of the NTPS2020. The Authority was supportive of this revised car parking layout, despite parking spaces 11 and 14 being provided in tandem, which would require a variation to the provisions of Clause 5.2.4.4 (Parking Layout) of the NTPS2020.
7. The Authority noted that the proposed addition of an elevator and reconfiguration of the site's existing car parking layout was not consistent with the approved Unit Plan U2001/013. The applicant stated that should the Authority decide to consent to the proposed development, a subdivision application would be lodged in order to amend the Unit Plan and Scheme Statement so as to be made consistent with the revised site layout and car parking re-allocations.
8. In relation to the variation sought to Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures) of the NTPS2020, the Authority considered that the reduced setback from the proposed elevator addition to the primary street (Marsina Court) was acceptable, taking into account the information contained within the applicant's statement of effect and verbal presentation. The applicant explained that the elevator addition incorporated a variety of colours, materials

and architectural embellishments which are sympathetic to the existing development, as well as reducing any negative impact on the amenity of the surrounding locality.

FOR: 5

AGAINST: 0

ABSTAIN: 0

**RESOLVED
145/20**

That, pursuant to section 86 of the *Planning Act 1999*, the Authority delegates to the Chair the power under section 53 of the Act, to determine the application to develop Lot 1260 (6) Marsina Court, Town of Darwin for the purpose of alterations and additions to an existing multiple dwelling development with a reduced front setback subject to:

1. Amended plans to show the provision of 14 car parking spaces as required by Clause 5.2.4.1 (Parking Requirements) of the Northern Territory Planning Scheme 2020 (NTPS2020).
2. An assessment of the amended layout against the relevant provisions of the NTPS2020.
3. A draft Unit Plan reflecting the amended car parking layout and elevator addition, inclusive of car parking space allocations, ensuring that the proposed tandem car parking spaces (shown as numbers 11 and 14 on the plan tabled at the 7 August 2020 DCA meeting) are allocated within the same unit entitlement.
4. Written confirmation from a suitably qualified professional that the unit titling can be effected in such a way that the proposed reconfiguration of the car parking layout and elevator addition, can be successfully executed in the case that a development permit is subsequently granted to this effect.

FOR: 5

AGAINST: 0

ABSTAIN: 0

ACTION:

Notice of Deferral

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

**SUZANNE PHILIP
Chair**

11 August 2020