



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 170 – FRIDAY 17 JUNE 2011

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

MEMBERS PRESENT: Peter McQueen (Chairman), Grant Tambling, Bob Elix and Garry Lambert

APOLOGIES: Heather Sjoberg & David Hibbert

OFFICERS PRESENT: Mone Coats-Ross (Acting Secretary), Hanna Stevenson, Peter Sdraulig and Steven Conn (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 9.30 am and closed at 10.00 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 **3 X 3 BEDROOM MULTIPLE DWELLINGS IN 2 X 2 STOREY BUILDINGS**
PA2011/0278 **LOT 4682 (18) HICKORY STREET, TOWN OF NIGHTCLIFF**
APPLICANT **RAW DESIGNS**

Applicant Robert Watts (Raw Designs) attended the meeting.

RESOLVED
116/11

That the Development Consent Authority determine to vary the requirements of clauses 7.1 and 7.3 of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 4682 (18) Hickory Street, Town of Nightcliff for the purpose of 3 x 3 bedroom multiple dwellings in 2 x 2 storey buildings, subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings numbered 2011/0279/1 through 2011/0279/10, 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, drainage, sewerage facilities and electricity and telecommunications services to the land shown on the endorsed plan in accordance with the authorities' requirements.
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 Darwin City Council, 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, Darwin City Council, 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. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
10. 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.
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 to 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. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council, to the satisfaction of the consent authority.

NOTES:

1. PAWC advise 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 one month prior to construction works commencing to determine servicing requirements and the need for upgrading of infrastructure.
2. The Power and Water Corporation (PAWC) advise that the water service to the units is to be multi-metered.

3. PAWC advise that the developer/ applicant is required to make payment in accordance with the Power and Water Corporation's 'water and sewerage services extension policy' (WASSEP) prior to the receipt of development clearance from PAWC.
4. The developer is to contact Service Stream on Commercial.leadin@servicestream.com.au or 1-800-773-776 prior to any work commencing, to facilitate the installation of Telstra's network.

REASONS FOR THE DECISION

1. The development is consistent with the primary purpose of Zone MD (Multiple Dwelling Residential), which is to "provide for a range of housing options to a maximum height of two storeys".
2. The development is in line with the secondary purpose of Zone MD (Multiple Dwelling Residential) in that it is of a "scale, character and architectural style" that is "compatible with the streetscape and surrounding development", and is largely compliant with the applicable controls.
3. A variation to clause 7.1 (Residential Density and Height Limitations) of the Northern Territory Planning Scheme is supported as the variation sought is minor, being of 2.4% or 22m², or less than 8m² per unit, and the development satisfies the purpose of the clause, in that it is "of a density compatible with the existing and planned provision of reticulated services and community facilities that will service the area, is consistent with land capability, and is of a height compatible with adjoining or nearby existing development, or development reasonably anticipated". This is in line with clause 4.2(a)(iii) of the Planning Scheme, which seeks to provide for the "orderly and appropriate expansion of development in the [Darwin] that maximises existing development options, including urban infill".

A variation to clause 7.3 (Building Setbacks of Residential Buildings) is supported as the non-compliance for the verandahs to units 1 and 2 of 0.5m is minor and will have no noticeable impact on the streetscape, building massing, overlooking or breeze penetration, as per the purpose of the clause, and matches the previously approved verandah setback for DP07/0302.

ACTION

Notice of Consent and Development Permit

ITEM 2
PA2011/0291

**CHANGES TO DP09/0215 FOR CHANGE OF USE OF PROPOSED BUILDING 2 TO SHOWROOM AND OFFICE; ALTERATIONS AND CHANGE OF USE OF PROPOSED BUILDING 1 FOR SHOWROOM; AND RECONFIGURATION OF CAR PARKING, NEW CAR PORTS AND FACADE UPGRADES IN 3 STAGES
LOTS 6191, 8634, 4554 & 9585 (14) KELSEY CRESCENT, (15) FITZGERALD STREET, (362 & 356) BAGOT ROAD, TOWN OF NIGHTCLIFF
APPLICANT BELL GABBERT ASSOCIATES PTY LTD**

Applicant Mark Bell (Bell Gabbert Associates Pty Ltd) attended the meeting.

**RESOLVED
117/11**

That, the Development Consent Authority determine to reduce the car parking requirements pursuant to clause 6.5.2 (Reduction in Parking Requirements) of the Northern Territory Planning Scheme and vary the requirements of Part 4 of the Schedule to Zone SD4 (Specific Use Darwin No. 4) of the Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lots 4554 & 9585 (362 & 356) Bagot Road, Lot 6191 (14) Kelsey Crescent &, Lot 8634 (15) Fitzgerald Street, Town of Nightcliff for the purpose of changes to the development approved by Development Permit DP09/0215 for change of use of proposed building 2 to showroom and office, alterations and change of use of proposed building 1 for showroom and reconfiguration of car parking, new carports and façade upgrades in 3 stages, subject to the following conditions which supersede all conditions of Development Permit DP09/0215:

1. Works carried out under this permit shall be in accordance the plans numbered 2011/0291/1 through 2011/0291/9 endorsed as forming part of this permit.
2. The use and development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity services to the land shown on the endorsed plans 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. 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 Department of Lands and Planning and/ or Darwin City Council, to the satisfaction of the consent authority.

6. 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;
 - (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.
7. 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.
8. The kerb, crossovers and driveways to the site approved by this permit are to meet the technical standards of Darwin City Council, to the satisfaction of the consent authority.
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. 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.
12. The loading and unloading of goods from vehicles must only be carried out on the land.
13. No goods are to be stored or left exposed outside the buildings so as to be visible from any public street.
14. External lights must be designed, baffled and located to the satisfaction of the consent authority to prevent any adverse effect on adjoining land and roads.
15. The finish of any Prime Identification signs, if erected, shall be such that, if illuminated, day and night readability is the same and is of a constant display (ie. not flashing or variable message). The sign shall be positioned:
 - (a) so as not to create sun or headlight reflection to motorists; and
 - (b) be located entirely (including foundations and aerially) within the subject lot.

Advertising signage, either permanent or temporary ie. 'A' frame, vehicle or trailer mounted etc. shall not be erected or located within the Bagot Road road reserve.

16. All proposed works (including provision of services) within, or impacting upon, the Bagot Road road reserve shall be designed, supervised and certified on completion by a practising and registered Civil Engineer in accordance with the standards and specifications of the Chief Executive, Department of Lands and Planning. Design drawing (together with a copy of the relevant Development permit) must be submitted to the Director, Road Network Division for Road Agency Approval, and no works are to commence prior to gaining this approval.
17. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
18. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council 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) 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, his Contractor or Service Provider is required to obtain a "Permit to Work within a Road Reserve" from the Manager Road Operations, Road Projects Division, Department of Construction and Infrastructure (2nd Floor, Highway House, Palmerston) prior to commencement of any works within the Bagot Road road reserve.
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, Darwin City Council and at no cost to Council.
4. Notwithstanding the approved plans, all signage is subject to Council's approval and shall meet all Council's requirements to the satisfaction of the General Manager of Infrastructure, Darwin City Council and at no cost to Council.

REASONS FOR THE DECISION

1. The proposal is generally consistent with the purpose of the Schedule to Zone SD4 (Specific use Darwin No 4) which is to facilitate the use and development of the land for a limited range of residential and commercial activities.

2. A reduction in the parking requirements under clause 6.5.2 (Reduction in Parking Requirements) is supported as:
 - the traffic study shows the parking accumulation survey results with weekly average of 80% capacity at peak parking accumulation times;
 - there is a significant amount of car parking which is currently underutilised and which can adequately cater for the new development;
 - improved internal design and traffic flow will facilitate safe and easy car parking access.
3. A variation to the requirements of clause 4 of Zone SD4 (Specific use Darwin No 4) to allow a small portion of the buffer to be only 6 metres is supported as it will allow vehicle access to the proposed parking area and is unlikely to have any adverse impact on the amenity of adjoining dwellings on Brayshaw Crescent.

ACTION

Notice of Consent and Development Permit

ITEM 3
PA2011/0082
APPLICANT

**VERANDAH ADDITION TO AN EXISTING SINGLE DWELLING WITH
A REDUCED SIDE SETBACK
LOT 6045 (9) CLARENCE STREET, TOWN OF SANDERSON
CHARLIE KATHOPOULIS**

Applicants Charlie and Katolina Kathopoulos attended the meeting.

Submitter Dora and Andrew Andreou did not attend the meeting, a written submission was made and was tabled at the meeting.

RESOLVED
118/11

This report recommends that the Authority vary the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 6045 (9) Clarence Street, Town of Sanderson for the purpose of additions and alterations to an existing single dwelling with a reduced side setback subject to the following conditions

CONDITION PRECEDENT

1. 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 to the requirements of Darwin City Council. This plan is to include details of site levels and stormwater drain connection points within the vicinity of the site.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings 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 water supply, drainage, sewerage facilities and electricity 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 Darwin City Council, to the satisfaction of the Darwin City Council.

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. 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 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.

REASONS FOR THE DECISION

1. The reduced side is supported as the proposal is considered to support the purpose of Clause 7.3 (Building Setbacks of Residential Buildings) for the following reasons:
 - the proposal is considered compatible with surrounding development as the subject dwelling and other dwellings within Clarence Street (including Lot 6044 to the north) have a reduced side setback;
 - the proposed new structure is open sided which reduces the visual mass of the structure and also allows for breeze penetration; and the proposed use of the area encroaching the boundary is a carport therefore there does not appear to be any undue overlooking impacts.

ACTION

Notice of Consent and Development Permit

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



PETER MCQUEEN
Chairman

17 /6/11