



**DEVELOPMENT CONSENT AUTHORITY**

**DARWIN DIVISION**

**MINUTES**

**MEETING No. 193 – FRIDAY 20 JULY 2012**

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

**MEMBERS PRESENT:** Peter McQueen (Chairman), Richard Luxton, Robin Knox and Jeanette Anictomatis

**APOLOGIES:** David Hibbert, Grant Tambling and Garry Lambert

**OFFICERS PRESENT:** Margaret Macintyre (Secretary), Douglas Lesh, Steven Conn, Michael O'Neill and Sally Cunningham (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Nil

**Meeting opened at 9.30 am and closed at 10.00 am  
Meeting reopened at 10.30am and closed at 12 15 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ITEM 1            WITHDRAWN

ITEM 2            WITHDRAWN

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 attended.

**RESOLVED**  
**172/12**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of 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 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. Reconsideration of the design of the building with a view to increasing the side setbacks, or demonstration as to why these setbacks cannot be increased to comply with the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme. Further justification for any continued non-compliant setbacks should also be provided, particularly in regard to side setbacks and the ground level carport structures, and presented in the context of special circumstances which justify the giving of consent.
2. Any amendments to the application that arise as a result of the above information request.
3. Amended plans demonstrating the removal of all structures from the sewerage easement or the submission of written approval from Power and Water Corporation for the encroachment.
4. Amended plans demonstrating the provision of a secure bicycle storage area at ground level.

#### **REASONS FOR THE DECISION**

1. Reconsideration of the setbacks proposed and further justification for any areas of non-compliance is required as, pursuant to Clause 2.5 (Exercise of Discretion by the Consent Authority) of the NT Planning Scheme, consent can only be given if the consent authority is satisfied that special circumstances justify the giving of consent.

2. Power and Water Corporation has advised that it has not issued an approval for the proposed encroachments into the existing sewerage easement within the site, and structures shall not be located on or over an easement without obtaining the prior written approval of Power and Water.

**ACTION:** Advice to Applicant

**ITEM 4  
PA2012/0377**

**9 X 2 BEDROOM AND 6 X 3 BEDROOM MULTIPLE DWELLINGS IN A 4 STOREY  
BUILDING INCLUDING GROUND LEVEL CARPARKING  
LOT 1931 (3) EDEN STREET, TOWN OF DARWIN  
APPLICANT BELL GABBERT ASSOCIATES PTY LTD**

Mr Wayne Gabbert (Bell Gabbert Associates) attended.

**RESOLVED  
173/12**

That the Development Consent Authority vary the requirements of clause 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, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 1931 (3) Eden Street, Town of Darwin for the purpose of 8 x 2 bedroom and 6 x 3 bedroom multiple dwellings in 1 x 4 storey building including ground level carparking, subject to the following conditions:

**CONDITION PRECEDENT**

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a full set of amended plans 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 provided, and be generally in accordance with the plans submitted with the application, but modified to show:
  - (a) Appropriate screening to the electricity substation and fire booster, to soften the visual impact of such infrastructure on the streetscape and to ensure that the infrastructure is sympathetic to and blends in with the design of the building. Details will need to be resolved in consultation with the Power and Water Corporation and the NT Fire and Rescue Emergency Service, as the case may be, to the satisfaction of the consent authority.
  - (b) The wall/ gate to the development is to be amended to ensure adequate sight lines for vehicles exiting the site, to the satisfaction of the consent authority.
  - (c) Appropriate bicycle parking facilities contained within the subject site, not impacting on carparking numbers or manoeuvrability, to the satisfaction of the consent authority.
2. 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 the City of Darwin, to the satisfaction of the consent authority.

## GENERAL CONDITIONS

3. Works carried out under this permit shall be in accordance the plans endorsed as forming part of this permit.
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 of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity, gas and telecommunication networks to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
6. 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.
7. 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.
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, and to the satisfaction of the consent authority.
9. 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.
10. 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.
11. 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.

12. 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.
13. 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.
14. 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.
15. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.

**NOTES:**

1. The Power and Water Corporation advises that:
  - The current local infrastructure cannot sustain the necessary fire fighting flows for the development and as a result the developer will be required to contribute towards the upgrade of the local water reticulation infrastructure. The applicant/ developer should contact Power and Water Corporation's Services Development Technical officers prior to the commencement of works to discuss water supply and contribution requirements.
  - 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](mailto:landdevelopmentnorth@powerwater.com.au)) and the 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 servicing requirements of the Corporation, and the need for upgrading of on-site and/or surrounding infrastructure.
2. 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.
3. 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>.

4. 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 proposal to develop the site for the purpose of 8 x 2 bedroom and 6 x 3 bedroom multiple dwellings in 1 x 4 storey building with ground level carparking is consistent with the primary purpose of Zone MR (Medium Density Residential), which is to "provide for a range of housing options to a maximum height of four storeys above ground level", and that the development is considered to be of a "scale, character and architectural style [that is] compatible with the streetscape and surrounding development".
2. A variation to clause 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 supported as the development satisfies the base setback controls of clause 7.3 (Building Setbacks of Residential Buildings), and gives a proper response to the additional controls enforced through clause 7.3.1, seen to directly relate to potentially "adverse effects of building massing when viewed from adjoining land and the street". The plans and three dimensional perspectives provided clearly show a high level of articulation to the side facades, and reasonably deep recesses to the main building element. The large balconies reduce the massing of the building on adjoining properties and act to give a good level of breeze penetration and amenity to future users. Additionally, although the building's facades as a whole are in excess of 18m in length, no single portion being greater than 12.5m in length without the introduction of inset areas and the use of varying colours and materials. The development has shown consideration to the controls of the Northern Territory Planning Scheme, and is considered to provide a suitable introduction to the area with no major amenity impacts.
3. The development accords with clause 4.2(a)(iii) of the Northern Territory Planning Scheme, which seeks to provide for the "orderly and appropriate expansion of development in the [Darwin] region that maximises existing development options, including urban infill".
4. A schematic stormwater plan is required in order for the development to demonstrate that it is technically feasible to collect stormwater on the site and dispose of it into Council's stormwater drainage system, and to ensure that no stormwater will sheet-flow into the road reserve or onto adjoining properties.
5. Pursuant to section 51(n) of the *Planning Act*, the development is not considered to result in any detrimental amenity impacts on the site and its surrounding locality. The proposed development is largely compliant with the relevant controls, and consideration has been seen to have been given to the streetscape and existing developments in the locality.

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

**ITEM 5**                    **SHADE SAIL ADDITION TO AN EXISTING SINGLE DWELLING WITH REDUCED**  
**PA2012/0411**            **FRONT AND SIDE SETBACK**  
                                 **LOT 4074 (4) MORICE COURT, TOWN OF DARWIN.**  
**APPLICANT**            **NT SHADE & CANVAS**

Mr Chris Batenburg (NT Shade & Canvas) attended.

**RESOLVED**  
**174/12**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 4074 (4) Morice Court, Town of Darwin for the purpose of shade sail additions to an existing single dwelling with reduced front and side setbacks, subject to the following conditions:

1. Works carried out under this permit shall be in accordance drawings numbered 2012/0411/1 and 2012/0411/2, endorsed as forming part of this permit.
2. Prior to 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 the City of Darwin, to the satisfaction of the consent authority.
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.

**NOTES:**

1. 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.
2. This development permit does not grant "building approval" for the proposed structure. The Building Code of Australia requires that certain structures 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 proposed shade sail structures are consistent with the purpose of Zone SD (Single Dwelling Residential), being to provide for single dwellings on individual lots.

2. A variation to the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme is supported as the proposed shade sails are considered consistent with the purpose of the clause. The shade sail structure would be open sided and of a permeable material therefore would be unlikely to compromise breeze penetration through and between adjacent and nearby buildings.

In the context of the site, being located at the end of a cul-de-sac, the shade sails are considered compatible with surrounding development and would be unlikely to have an adverse impact on the streetscape in terms of building massing due to their minimalist nature and the permeable materials used. The proposed sails would likely soften the visual impact of the existing dwelling, being located at the top of a hill against a heavily landscaped backdrop, and therefore have a positive impact on the streetscape.

3. City of Darwin advises it is the sole authority responsible under the *Local Government Act* and associated by-laws for stormwater drainage and as such has requested details of the collection and discharge of stormwater run-off.

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

**ITEM 6 WITHDRAWN**

**ITEM 7 5 X 3 BEDROOM MULTIPLE DWELLINGS IN A 2 STOREY BUILDING  
PA2012/0371 LOT 9214 (12) MUSGRAVE CRESCENT, TOWN OF NIGHTCLIFF  
APPLICANT GEORGE SAVVAS**

Mr George Savvas attended.

Submitters in attendance:- Mr Warren Leeder, Mr Paul & Mrs Alison Hind and Ms Jutta Eidenmueller.

Mr Paul Hind tabled x 2 items:-

- leaflet from Ray White dropped to all the houses in the area on the development at 12 Musgrave Street; and
- a survey plan showing a drainage easement on the adjoining lot.

**RESOLVED  
175/12**

That, the Development Consent Authority vary the requirements of Clause 7.1.1 (Residential Density Limitations) 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 9214 (12) Musgrave Street, Town of Nightcliff for the purpose of 5 x 3 bedroom multiple dwellings in 2 x 2 storey buildings, subject to the following conditions:



## CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), 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 two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
  - (a) an increased setback distance to the eastern side property boundary that achieves compliance with the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme and Clause 7.3.1 (Additional Setback Requirements of Residential Buildings longer than 18m and for Residential Buildings over 4 storeys in height) by also indicating no connection between the carport and the block wall on the eastern boundary.
  - (b) the parking areas for each unit re-labelled to correctly identify the structures as carports and not garages; and
  - (c) the location of the electricity easement as required by, and to the requirements of the Power and Water Corporation;
  - (d) all air conditioning condenser units appropriately screened from public view (and from view of the neighbouring property to the east) and located so as to minimise acoustic impacts on neighbouring properties.
2. Prior to the commencement of works (including site preparation), the applicant is to prepare a schematic plan demonstrating all stormwater to be collected on the site and discharged underground to Council's stormwater drainage system, to the requirements of City of Darwin and to the satisfaction of the consent authority.

## GENERAL CONDITIONS

3. The works carried out under this permit shall be in accordance with drawing numbers 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, 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. 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 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.
7. The owner shall:
  - a) remove disused vehicle and/ or pedestrian crossovers;
  - b) collect stormwater and discharge it to the drainage network; and

- c) 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.
- 8. 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.
- 9. 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.
- 10. 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.
- 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. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.

**NOTES:**

- 1. This development permit does not grant "building approval" for the proposed structure. The Building Code of Australia requires that certain structures within 900mm of a boundary meet 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.
- 2. 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.
- 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.

## REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the authority must consider any planning scheme that applies to the land to which the application relates.

The proposal to develop the lot for the purpose of 5 x 3 bedroom multiple dwellings in 2 x 2 storey buildings 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. The development is considered to be of a scale, character and architectural style that is compatible with the streetscape and surrounding developments.

A variation to Clause 7.1 (Residential Density and Height Limitations) is supported as the non-compliance with this clause represents a minor departure from the standard required which, in this case, is considered to result in sufficient demonstration of special circumstances for the variation sought. Furthermore, the level of compliance achieved and exceeded in some cases, is further representation that the land is capable of supporting the proposed development.

2. Pursuant to section 51(e) of the *Planning Act*, in considering a development application the consent authority is required to take into account any submissions made under section 49. Three submissions were received raising concerns with the proposal particularly in regard to the proposed density, traffic congestion within Musgrave Crescent and overlooking/ overshadowing caused by reduced building setbacks. The increased setback distance required to the eastern side property boundary should alleviate the concerns raised by the adjacent land owner relating to pool safety and will also reduce the visual bulk of the building when viewed from the street front and adjoining properties. The applicant has demonstrated, through amendments to the design that consideration has been given to minimise undue overlooking by increasing building setbacks and making other minor alterations to the building design to break up expanses of walls and add interest. The design achieves compliance with the Scheme's requirements for fencing design, building height, private open space, on-site vehicle parking and requires a minor variation to dwelling density provisions. The extent of compliance achieved in other aspects of the design demonstrates consideration for existing dwellings and adjacent land uses, the streetscape and the type and scale of development in line with that expected by the community and promoted by the Planning Scheme.
3. A schematic stormwater plan is required in order for the development to demonstrate that it is technically feasible to collect stormwater on the site and dispose of it into Council's stormwater drainage system, and to ensure that no stormwater will sheet-flow into the road reserve or onto adjoining properties.

4. Pursuant to section 51(n) of the *Planning Act*, the consent authority must take into account the potential impact on the existing and future amenity of the area in which the land is situated. The application is consistent with the primary purpose of Zone MD (Multiple Dwelling) and seeks a variation for what is a minor departure from dwelling density provisions of the Scheme. The level of compliance achieved with the Scheme is a representation that the proposal is appropriate for the site and locality, and is not considered to result in any overwhelming negative impact on the surrounding area. For the above reasons, the proposed development is not expected to negatively impact on the existing and future amenity of the area.

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

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



**PETER MCQUEEN**  
Chairman

23/7/12