

DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 273 – FRIDAY 8 APRIL 2016

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

MEMBERS PRESENT: Denis Burke (Chairman), Grant Tambling, Ross Baynes, Bob Elix and Garry Lambert

APOLOGIES: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), Sally Graetz, Adelle Godfrey and Roxanne Willing (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 9.00 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 **VARIATION TO DP14/0117 TO REMOVE CONDITION 15**
PA2013/1003 **LOT 6503 (66) FRANCES BAY DRIVE, TOWN OF DARWIN**
APPLICANT **NORTHERN PLANNING CONSULTANTS**

Mr Brad Cunnington (Northern Planning Consultants) attended.

RESOLVED That, pursuant to section 57(3) of the *Planning Act*, the Development Consent
77/16 Authority vary condition 15 of DP14/0017, to state:

15. *The use of the land and presence of the structure on site for the approved purpose of a temporary demountable structure for office use must cease five years from the date of this permit.*

And include the following additional note on the permit:

6. *The Development Consent Authority advises further extensions of time for the demountable office building are unlikely to be granted.*

ACTION: Variation to Development Permit

ITEM 2 **GARAGE ADDITIONS TO AN EXISTING SINGLE DWELLING**
PA2016/0091 **WITH A REDUCED FRONT SETBACK**
APPLICANT **LOT 2012 (3) YOUNG CRESCENT, TOWN OF NIGHTCLIFF**
 BENJAMIN JEFFREY MATTHEWS

Mr Benjamin Matthews attended and tabled a landscaping plan.

RESOLVED That the Development Consent Authority vary the requirements of Clause 6.11
78/16 (Garages and Sheds) of the Northern Territory 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 2012 (3) Young Crescent, Town of
 Nightcliff for the purpose of a garage addition to an existing single dwelling with a
 reduced front setback, 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 must be generally in accordance with the plans submitted with the application but modified to show:

- (a) An amended design that flips the layout of the garage to locate the carport closest to the street and garage behind. The setback to the garage component must achieve a setback from the front boundary of no less than 5m; and
- (b) Screen planting along the front boundary capable of providing a constant visual screen between the boundary and approved structure.

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. 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.
4. The kerb crossings 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.
5. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to City of Darwin, to the satisfaction of the consent authority.
6. The owner of the land must enter into agreements with the relevant authorities for the provision of drainage and electricity facilities to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

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 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.
2. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites in the Northern Territory. 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 consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The proposal was assessed against the relevant clauses of the NT Planning Scheme and is consistent with the type of development reasonably anticipated within Zone SD (Single Dwelling Residential).

Having considered the proposal, submissions and information supplied by the applicant, a variation to the requirements of Clause 6.11 (Garages and Sheds) of the NT Planning Scheme to allow the structure (as altered) to be located with a reduced front setback is considered acceptable. The required amendments to the design, which include relocating the open part of the structure (carport) closer to the street frontage and garage further away from the street is considered more in keeping with the requirements of the Planning Scheme and purpose of the clause. The inclusion of fencing and landscaping treatments are expected to aid in screening the structure (as amended) and lessen any potential impact on the visual amenity as a result.

2. Pursuant to Section 51(n) of the *Planning Act*, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated.

Locating the open part of the structure closer to the street rather than as proposed is expected to lessen the potential impact on the streetscape that may have resulted from the design proposed. The altered design and additional treatments required are considered to represent a better outcome that is more consistent with the minimum standards of the Planning Scheme.

ACTION: Notice of Consent and Development Permit

ITEM 3
PA2016/0109
APPLICANT

SUBDIVISION TO CREATE 2 LOTS
LOT 1117 (11) GARDENS HILL CRESCENT, TOWN OF DARWIN
ELTON CONSULTING

Mr Frank Eyndhoven (Elton Consulting) attended.

Submitter Mr Tony Tapsell attended.

RESOLVED
79/16

That, pursuant to Section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 1117 (11) Gardens Hill Crescent, Town of Darwin for the purpose of subdivision to create 2 lots, subject to the following conditions:

GENERAL CONDITIONS

1. Works carried out under this permit shall be in accordance with the drawing 2016/0109/01 endorsed as forming part of this permit.
2. All existing and proposed easements for required utility services must be vested in the relevant authority for which the easement is to be created on the plan of subdivision submitted for approval by the Surveyor General.

3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage, electricity and telecommunication services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
5. Before the issue of titles, the developer is to provide written confirmation (in the form of plans or drawings) demonstrating that each lot allows for future vehicle access via a single 3.5m driveway unrestricted by street infrastructure (including any power, water, sewer or stormwater infrastructure) to ensure that each lot's street frontage has a minimum continuous length of 6.5m, 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. As part of any subdivision, the parcel numbers for addressing should comply with the Australian Standard (AS/NZ 4819:2011). For more information contact Survey and Land Records surveylandrecords@nt.gov.au 08 8995 5354. The numbers shown on the plans endorsed as forming part of this permit are indicative only and are not for addressing purposes.
3. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from Department of Land Resource Management.
4. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites in the Northern Territory. 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. A "Permit to Work Within a Road Reserve" may be required from the City of Darwin before commencement of any work within the road reserve.

REASONS FOR THE DECISION

1. Pursuant to Section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The proposal is consistent with the relevant clauses of the NT Planning Scheme for subdivision in Zone MD (Multiple Dwelling Residential), including the minimum lot size, the minimum building envelope requirements, and the minimum frontage requirements. The lots are considered to be of sufficient size and configuration to each allow for the future construction of a single dwelling, including for vehicle access, on-site parking, private open space, and to provide for habitable rooms facing the street. A condition is imposed for confirmation that the final driveway locations achieve a minimum continuous length of 6.5m along each frontage to ensure that on-street parking in front of each lot can occur, to ensure future developments meet the requirements of Clause 6.5.4 (Vehicle Access and On-Site Parking for Single Dwellings on Lots less than 600m² but not less than 300m²).

2. Pursuant to Section 51(j) of the *Planning Act*, the consent authority must take into consideration the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development. No site constraints have been identified that would prevent or impact the subdivision.
3. Pursuant to Section 51(m) of the *Planning Act*, the consent authority must take into consideration the public utilities or infrastructure provided in the area in which the land is situated, and the requirement for public facilities and services to be connected to the land. Power Networks have confirmed that the developer is responsible for the full costs to design and install adequate underground electricity to each lot.
4. Pursuant to Section 51(e) the consent authority must give consideration to any submissions received under section 49 in relation to the development application. The application was publicly exhibited for a period of 14 days in accordance with the requirements of the Planning Act, with 1 public submission received. The submission raised no concerns with the subdivision design however requested that the future driveways be constructed at the outer edge of the lots (consistent with the nominal driveway locations as shown on the plans), to prevent vehicle lights shining into the submitter's dwelling. The Authority notes that separate consent would be required from the City of Darwin for the nominal driveway locations as shown as the development is for the subdivision of the land only.

ACTION: Notice of Consent and Development Permit

ITEM 4 **4 X 3 BEDROOM MULTIPLE DWELLINGS IN 2 X 2 STOREY BUILDINGS**
PA2016/0092 **LOT 2084 (29) EDEN STREET, TOWN OF DARWIN**
APPLICANT **MICHAEL ALAKIOTIS**

Mr Michael Alakiotis and the builder Mr Antonio Alviris attended.

**RESOLVED
80/16**

That, the Development Consent Authority vary the requirements of Clauses 7.1.1 (Residential Density Limitations), 7.3.1 (Additional Setback Requirements for Residential Buildings Longer than 18m and for Residential Buildings over 4 Storeys in Height) and 7.5 (Private Open Space) of the Northern Territory Planning Scheme, and pursuant to Section 53(a) of the *Planning Act*, consent to the application to develop Lot 2084 (29) Eden Street, Town of Darwin for the purpose of 4 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 the 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, and must be generally in accordance with the plans submitted with the application but modified to show:
 - a. a 1.5m setback as measured between the western boundary and the outer edge of the wall of unit 1 to meet the requirements of Clause 7.3 (Building Setbacks of Residential Buildings); and
 - b. additional articulation or cladding features to the upper level of the eastern and western elevations of Units 2 – 4 to ensure the building design minimises the potential adverse effects of building massing and visual bulk when viewed from adjoining land.
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a schematic plan demonstrating the on-site collection of stormwater and its discharge into the underground stormwater drainage system shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority. The plan shall include details of site levels and stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected to the underground system.
3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare an Environment and Construction Management Plan (ECMP) to the requirements of the City of Darwin. The ECMP is to address waste management, traffic control, haulage routes, and the use of Council land during construction, to the satisfaction of the consent authority.
4. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a dilapidation report covering infrastructure within the road reserve to the requirements of the City of Darwin, to the satisfaction of the consent authority.
5. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a waste management plan to the requirements of the City of Darwin, to the satisfaction of the consent authority. The waste management plan is required to confirm waste collection will occur wholly on site.

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. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities and telecommunication services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
8. 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.
9. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created.
10. 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. 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, to the satisfaction of the consent authority.
11. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.
12. Before the 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.
13. 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.
14. 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.
15. 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, 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.

16. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the consent authority.
17. All balconies are to be internally drained and discharged 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.
18. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

NOTES:

1. This development permit does not grant building approval. You are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing construction works.
2. 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.
3. A permit to work within a road reserve may be required from the City of Darwin before commencement of any work within the road reserve.
4. Notwithstanding the approved plans, any proposed works (including landscaping) within the road reserve is subject to approval and shall meet all requirements of the City of Darwin, and at no cost to the City of Darwin.
5. 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.
6. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development is available from Department of Land Resource Management.
7. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.

8. You are advised to contact NBN Co prior to commencing construction to determine if your development is in an NBN-eligible area. This will help identify the relevant telecommunication network servicing requirements for the development. To register, please complete the pre-qualification forms located at www.nbnco.com.au/newdevelopments. For more information, please contact the NBN Co New Developments Team on 1800 687 626 or email newdevelopments@nbnco.com.au.

REASONS FOR THE DECISION

1. Pursuant to Section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. The purpose of Zone MD (Multiple Dwelling Residential) is to provide for a range of housing options to a maximum height of two storeys above ground level. The proposal is consistent with the intended use of the land for multiple dwellings.
2. The application includes a variation to the requirements of Clause 7.1.1 (Residential Density Limitations) as Zone MD allows for a maximum density of 3 (3.7) dwellings at a density of 1 dwelling per 300m², and 4 dwellings are proposed. The purpose of this clause is to ensure that residential development is of a density compatible with the existing and planned provision of reticulated services and community facilities, and is consistent with land capability. The clause also provides that the Authority may consent to a development that is not in accordance with the maximum number of dwellings, if it is satisfied that compliance with other aspects of this Planning Scheme indicates that the density of the development is appropriate having regard to the purpose of the clause.

The scale of the proposed development, including the height and built form is similar to that which is reasonably anticipated in this zone. The use of a two storey design enables a more efficient use of the land and reduced building footprints compared to a development of similar density limited to a single storey. Private open space areas range in size and exceed that required by Clause 7.5, and car parking and landscaping requirements are also met. Through condition, the design will achieve appropriate minimum building setbacks. The increased density is not expected to be immediately apparent from the front of the site, given only one dwelling is situated along the site frontage with the remaining three situated towards the rear. The design includes some articulation features towards Eden Street including an upper level balcony and paint finishes, achieves an adequate separation between buildings, and is also designed to accommodate the sewer easement towards the rear.

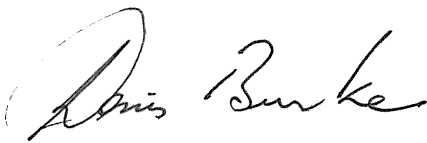
Comments have been received from the Power and Water Corporation and no objections to the increased density were identified, noting the proponent will be responsible for the full cost of servicing requirements for any upgrades. As the upgrades would be required regardless of the increased density, the density is considered compatible with the existing and planned provision of reticulated services and community facilities which service the area and no land capability issues have been identified.

3. Clause 7.3.1 (Additional Setback Requirements for Residential Buildings longer than 18m and for Residential Buildings over 4 Storeys in Height) requires an additional setback of 0.5m to the eastern and western elevations of Units 2 – 4 at the rear of the site. Although the additional setback is not achieved, the overall building length to these boundaries is lengthened due to the design of the garage at ground level and if assessed alone, the upper storey would not require any additional setbacks. The ground level design incorporates some building stepping to the porch and garage components plus the use of paint treatments to provide articulation, however amended plans are requested by the Authority requiring additional articulation or cladding features to the upper level also to ensure the complete design minimises the potential adverse effects of building massing and visual bulk when viewed from adjoining land, as the upper level will be most visible above a boundary fence.
4. Clause 7.5 (Private Open Space) ensures that each dwelling has private open space that is of an adequate size to provide for domestic purposes, appropriately sited, permeable and open to the sky, and inclusive of areas of deep soil for shade tree planting. The development responds well to the clause requirements, with private open space areas ranging from 52m² to 87m² accessed from the main living areas and each meeting the minimum dimension and permeability requirements. Although unit 1 does not achieve the 1.8m screen fencing required with a 1.6m fence only, given the location of the fencing along the front boundary, a lower fence height is considered appropriate. The design of the fence comprises a combination of blockwork fencing to 1.0m with aluminium slats above.
5. Pursuant to Section 51(j) of the *Planning Act*, the consent authority must take into consideration the capability of the land to which the proposed development relates, and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development. Also, pursuant to section 51(m) of the *Planning Act*, the consent authority must take into account the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose. The Power and Water Corporation have identified that power and water services are required to be upgraded to provide for the development. No land capability concerns were identified as part of the assessment and the proposal is very similar to the anticipated density in this location. Conditions on the development permit require submission of a waste management plan, a construction management plan, a stormwater management plan, and a dilapidation report as requested by the City of Darwin.
6. Pursuant to Section 51(n) of the *Planning Act*, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated. Despite the additional density, on balance the scale of the built form is compatible with the

streetscape and with development which may be reasonably anticipated in the locality. The increased density is unlikely to be immediately apparent from the front of the site, with the building containing Units 2 – 4 situated towards the rear. The built form adjacent Eden Street is appropriately setback, and provides an upper level balcony and the use of paint treatments to provide articulation. The front fencing also provides varied materials to provide relief along this frontage. The proposal is considered to provide for an appropriate level of residential amenity which is compatible with the streetscape and surrounding development with no undue amenity impacts are anticipated.

ACTION: Notice of Consent and Development Permit

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



DENIS BURKE
Chairman

13/4/16