



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 185 – FRIDAY 23 MARCH 2012

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

MEMBERS PRESENT: Peter McQueen (Chairman), Grant Tambling, David Hibbert
Bob Elix and Heather Sjoberg

APOLOGIES: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), Hanna Stevenson, Peter Sdraulig and
Steven Conn (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 9.45 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 **4 X 3 BEDROOM MULTIPLE DWELLINGS IN 2 X 2 STOREY BUILDINGS**
PA2011/0966 **LOT 2010 (17) QUEEN STREET, TOWN OF DARWIN**
APPLICANT **GEORGE SAVVAS**

Mr George Savvas and Mr Nick Scaturchio (owner) attended.

Submitter Mr Robert Dixon attended.

RESOLVED That, the Development Consent Authority vary the requirements of Clause 7.3
52/12 (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 2010 (17) Queen 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 commencement of works (including site preparation) a full set of 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 three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) all property boundary fences nominated at a minimum height of 1.8m;
 - (b) dwelling 1's western garage wall setback a minimum 6m from the site's western property boundary; and
 - (c) a landscape plan and associated planting schedule which:
 - specify plant species , quantities and mature heights;
 - includes a mix of ground covers, shrubs and trees; and
 - includes trees within then front setback are to soften the development as viewed from the street
2. Prior to endorsement of plans and 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 to Council's stormwater drainage system, to the requirements of City of Darwin, to the satisfaction of the consent Authority.

GENERAL CONDITIONS

3. Works carried out under this permit shall be in accordance with the plans 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

services to the land shown on the endorsed plans 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 City of Darwin, to the satisfaction of the consent authority.
7. 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.
8. 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.
9. 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.
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. 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.

13. Soil erosion and dust control measures must be employed throughout the construction stage of the development 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. 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.
16. Storage and collection of waste disposal bins is to be provided to the requirements of City of Darwin 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. 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, City of Darwin and at no cost to Council.

REASONS FOR THE DECISION

1. The proposed development is consistent with the purpose of Zone MD (Multiple Dwelling Residential) which is to 'provide for a range of housing options to a maximum height of two storeys above ground level'.
2. Requirement for amended plans will ensure that private open space is secluded as required by Clause 7.5 (Private Open Space), and that car parking and vehicle access is appropriately provided in accordance with Clause 6.5.3 (Parking Layout), of the NT Planning Scheme.
3. In accordance with Clause 2.5 (Exercise of Discretion by the Consent Authority) of the NT Planning Scheme, 'the consent authority may consent to the development of the land that does not meet the standard set out in Parts 4 or 5 only if it is satisfied that special circumstances justify the giving of consent'. Special circumstances in the form of the site's irregular shape, significant angled frontage, and corner site characteristics which merits the granting of consent by the authority for variations to Clause 7.3 (Buildings Setbacks of Residential Buildings).

4. Variations to Cause 7.3 (Building Setbacks of Residential Buildings) for reduced front and side setbacks are considered justified based on special circumstances, and that:
 - the relatively minor encroachments of the building within front setbacks is on that part of the site which most reflects 'corner site' characteristics and therefore considered consistent with the purpose of the clause which includes that residential building are located be 'compatible with the streetscape' and 'minimise adverse effects of building massing'; and
 - the reduced side setback for dwelling 4's garage reflects the relatively narrow width of the rear of the site abutting a blank wall of the residential building to the west, and would have minimal impact of outlook from the abutting property, and minimal impact on the streetscape due to its location well within the site.

ACTION: Notice of Consent and Development Permit

ITEM 2
PA2012/0066
APPLICANT

**9 x 2 BEDROOM MULTIPLE DWELLINGS IN 1 X 4 STOREY BUILDING WITH
GROUND LEVEL CARPARKING
LOT 6106 (21) SERGISON CIRCUIT, TOWN OF NIGHTCLIFF
MICHAEL KATHOPOULIS**

Mr Michael Kathopoulos (owner) and Mr Michael Alakiotis attended.

Submitters:- Mr Henry Dupal (on behalf of his wife Fernanda Dupal) and Mr Byron Wilson (on behalf of his partner Zoe Crowder) attended.

RESOLVED
53/12

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 6106 (21) Sergison Circuit, Town of Darwin for the purpose of 9 x 2 bedroom multiple dwellings in 1 x 4 storey building with ground level carparking 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. Special circumstances being identified for the varying 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 NT Planning Scheme; and/or
2. Any amendments to the proposal that enable compliance against cluse 7.3.1 (Additional Setback Requirements for Residential Buildings Longer than 18m and for Buildings Over 4 Storeys in Height).

REASON FOR THE DECISION

The request for additional information demonstrating special circumstances for the areas of non-compliance in relation 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 necessary as consent can only be

given if the consent authority is satisfied that special circumstances justify the giving of consent. Amendments may be required to the proposal for greater compliance 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.

ACTION: Advice to Applicant

ITEM 3
PA2012/0055
APPLICANT

DEMOUNTABLE STRUCTURE FOR USE AS A CARETAKER'S RESIDENCE
LOT 5775 (152) ALEC FONG LIM DRIVE, TOWN OF DARWIN
ROBERT WALKER

Mr Robert Walker attended.

RESOLVED
54/12

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 5775 (152) Alec Fong Lim Drive, Town of Darwin for the purpose of a demountable structure for use as a caretaker's residence, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to endorsement of plans and 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 to Council's stormwater drainage system, to the requirements of City of Darwin, to the satisfaction of the consent Authority.
2. Prior to endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a detailed landscaping plan for the general area around the Caretaker's Residence, including details of proposed screening between the demountable and Military Museum boundary, to the satisfaction of the consent Authority. The landscaping plan should also indicate any vegetation to be removed to facilitate the proposed development.
3. Prior to endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a plan showing the location of bores, septic tanks, waste water treatment systems and disposal areas, to the requirements of the Department of Health (DOH), to the satisfaction of the consent authority.

GENERAL CONDITIONS

4. Works carried out under this permit shall be in accordance with the plans endorsed as forming part of this permit.
5. The use and development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
6. Within 30 calendar days of the occupation of the Caretaker's Residence, the existing Caretaker's Residence is to be demolished and appropriate

correspondence provided to the Development Consent Authority advising the demolition works have been undertaken, to the satisfaction of the consent authority.

7. 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.
8. An approved effluent disposal system to the requirements of the Department of Health and Families and to the satisfaction to the consent authority must be installed concurrently with the erection of the Caretaker's Residence and all waster must be disposed of within the cartilage of the property.
9. Any developments on or adjacent to any easements on the site shall be carried out to the requirements of the relevant service authority 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. Soil erosion and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
13. Storage and collection of waste disposal bins is to be provided to the requirements of City of Darwin 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. 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, City of Darwin and at no cost to Council.
3. The permit holder is advised that it is an offence to disturb or destroy prescribed archaeological places without consent under the Heritage Conservation Act. Should any heritage or archaeological material be discovered during the construction phase of the development, cease operation

and please phone Heritage Conservation Services of the Department of Natural Resources, Environment, The Arts and Sport.

REASONS FOR THE DECISION

1. The proposed demolition of an existing Caretaker's Residence and construction of a new Caretaker's Residence is consistent with the intent of Zone OR (Organised Recreation) to provide areas for organised recreational activities; and for development to be limited, to that which is consistent with the recreational opportunities of the land.
2. Once the existing Caretaker's Residence has been demolished, the proposed Caretaker's Residence will be fully compliant with all of the relevant provisions of the Northern Territory Planning Scheme.
3. The proposal is not expected to impact on the existing and future amenity of the area in which the land is situated. The proposed demountable will be setback a minimum of 93 metres from the Alec Fong Lim Drive frontage. The siting and design of the demountable and the provision of dense landscaping will ensure that there are minimal impacts upon the existing and future amenity of the area (including to the adjacent Darwin Military Museum). Furthermore, there is an existing demountable Caretaker's Residence currently in use on the site.

ACTION: Notice of Consent and Development Permit

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



PETER MCQUEEN
Chairman

28/3/12