

DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 208 – FRIDAY 5 APRIL 2013

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

MEMBERS PRESENT: Peter McQueen (Chairman), David Hibbert, Grant Tambling, Garry Lambert and Jeanette Anictomatis

APOLOGIES: Robin Knox

OFFICERS PRESENT: Margaret Macintyre (Secretary), Hanna Stevenson, Peter Sdraulig, Michael O'Neill and Sally Cunningham (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 9.45 am and closed at 11.45 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 **168 X 2 BEDROOM MULTIPLE DWELLINGS AND RESTAURANTS IN A 18**
PA2013/0081 **STOREY BUILDING PLUS 2 LEVELS OF BASEMENT CAR PARKING**
APPLICANT **LOTS 663 & 664 (106) & (108) ESPLANADE, TOWN OF DARWIN**
JACKMAN GOODEN ARCHITECTS (NT) PTY LTD

DAS tabled further comments from submitters.

Mr Colin Browne & Mr Steve Huntingford (Jackman Gooden Architects), Mr Boyd Sargent (Planit Consulting) and Mr George Tsirbas (owner) attended.

RESOLVED
84/13

That, pursuant to section 46(4)(a) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lots 663 & 664 (106 & 108) Esplanade, Town of Darwin for the purpose of 168 x 2 bedroom multiple dwellings and restaurants in a 18 storey building plus 2 levels of basement car parking, to require the applicants to provide the following additional information that the Authority considers necessary in order enable the proper consideration of the application:

1. Additional information and or amended plans in response to the requirements of part 3(b) of clause 6.3.1 (Building Heights in Central Darwin) of the NT Planning Scheme including, but not necessarily limited to:
 - (a) confirmation of the currently proposed amount of alfresco dining areas;
 - (b) demonstration of provision of 600 m² of publicly accessible open areas which may include alfresco dining and/ or public open space; and
 - (c) identification of any other matters which demonstrate achievement of part 3 of clause 6.3.1.
2. Amended plans to clearly demonstrate the delineation of residential and commercial pedestrian access within the building to avoid conflict between the 2 uses, including information/ details regarding closure of the restaurant to the foyer when the restaurant use is closed.
3. Management arrangements for the overall site including details of any on site managers/ caretakers office.
4. Clarification regarding natural ventilation to the foyers, such as openable windows, at each level.
5. Information regarding management of the loading bay to accommodate all users ie. removalist vans, waste trucks, delivery trucks.

REASONS FOR THE DECISION

1. The proposal is considered inadequate in demonstrating achievement of part 3(b) of clause 6.3.1 (Building Heights in Central Darwin) of the NT Planning Scheme which requires 15% of site area as publicly accessible open space.
2. Additional information is considered necessary in respect to management arrangements for: the overall development; use of the loading bay; and residential/ commercial pedestrian access, to ensure the development provides a reasonable level of amenity for futures residents therein.
3. Additional information is considered necessary in respect to natural ventilation for the multiple dwellings in response to the requirement of part 2(j) of clause 7.8 (Building Design for Multiple Dwellings, Hostels and Supporting Accommodation) of the NT Planning Scheme which envisages that building design should 'allow breeze penetration and circulation'.

ACTION: Advice to Applicant

**ITEM 2
PA2013/0152
APPLICANT**

**LEISURE AND RECREATION
SECTION 3243 (1) TATE PLACE, HUNDRED OF BAGOT
MICHAEL COOPER**

DAS tabled an addendum - comments from Power and Water.

Mr Michael Cooper sent his apologies as he is overseas.

Ms Cherry Court (CEO Royal Agricultural Society) and Ms Melanie Mahoney (Manager Operations Royal Agricultural Society) attended.

**RESOLVED
85/13**

That, the Development Consent Authority vary the requirements of Clause 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Section 3243 (1) Tate Place, Hundred of Bagot for the purpose of leisure and recreation, subject to the following conditions:

CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings numbered 2013/0152/01 through to 2013/0152/03, 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, sewerage and electricity facilities and

telecommunication networks to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

4. Any lighting installed as part of the development is to consider section 9.21 'Lighting in the Vicinity of Aerodromes' of the Civil Aviation Safety Authority's Manual of Standards, Part 139.
5. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the consent authority.
6. 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.
7. Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the consent authority.
8. The site is to be kept clean of rubbish and any storage of waste is to be managed at all times in a manner so as to not attract birds or bats, to the satisfaction of the consent authority.
9. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
10. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into City of Darwin drains or to any watercourse.

NOTES:

1. Darwin International Airport and the Department of Defence advise that this development would be affected by aircraft noise. The building's design should include appropriate noise attenuation measures and consider Australian Standard AS2021/2000 (Acoustics – Aircraft Noise Intrusion).
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 in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
3. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the Building Code of Australia, the *NT Public Health Act* and Regulations, the *NT Food Act* and National Food Safety Standards.

4. 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 the Department of Land Resource Management.
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. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities.
7. Telstra advises that the developer is required to contact "Dial Before You Dig" prior to any development commencing to obtain a location of the Telstra Network and arrange for any relocation if required.
8. The Department of Defence has advised that separate approval is required should any permanent or temporary structures (including cranes used during construction) exceed 15 metres above ground level.
9. The Power and Water Corporation advises that full lot fire coverage cannot be achieved from existing hydrants and internal fire fighting arrangements should be made to the satisfaction of the NT Fire and Rescue Service.
10. The Power and Water Corporation advises that the developer will need to make an application to discharge trade waste to Power and Water's sewerage system.

REASONS FOR THE DECISION

1. The proposed development is consistent with the primary purpose of Zone OR (Organised Recreation) of the Northern Territory Planning Scheme, being to provide areas for organised recreational activities. The building and its proposed uses would complement the existing development and use of the site.

2. A variation to the requirement of Clause 6.5.3 (Parking Layout) of the NT Planning Scheme for sealed car parking is acceptable considering the nature of the proposed building's intended uses and the context of the site. The building's primary use would be associated with the annual Royal Darwin Show, for which the site's entire stock of informal car parking is utilised, so there would be little value in attempting to provide sealed parking only for the use of this building's occupants. At other times of the year, the building would only be used on an occasional basis. Use of the informal car parking areas on site is acceptable considering the nature and intensity of the proposed uses.

ACTION: Notice of Consent and Development Permit

ITEM 3
PA2013/0151
APPLICANT

WAREHOUSE WITH ANCILLARY OFFICE
PORTION 2235 (651) STUART HIGHWAY, HUNDRED OF BAGOT
MORPH COLLECTIVE (NT) PTY LTD

DAS tabled an addendum – comments from Department of Defence.

Ms Pothitoula Tsougranis attended.

RESOLVED
86/13

That, pursuant to section 53(b) of the *Planning Act*, the Development Consent Authority alter the proposed development and consent to the proposed development as altered to develop Portion 2235 (651) Stuart Highway, Hundred of Bagot for the purpose of warehouse with ancillary office, 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 underground to Council's stormwater drainage system, to the requirements of City of Darwin, to the satisfaction of the consent authority.
2. 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:
 - car space number 7 relocated and/ or redesigned so as to fully comply with clause 6.5.3 (Parking Layout) of the NT Planning Scheme;
 - provision of an additional 1 car parking space, for a total of 19 on-site parking bays;
 - external materials of the building nominated in non-reflective colours/ finishes; and

- a landscape plan and associated planting schedule specifying plant species, quantities and mature heights, and designed to prevent any adverse impacts on the operations of the Darwin RAAF base and Darwin International Airport.

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 development must be designed and constructed to comply with AS2021-2000 'Acoustics – Aircraft noise intrusion – Building siting and construction' (AS2021), and a statement from a suitably qualified acoustic engineer confirming compliance with AS2021-2000 must be submitted prior to occupation of the development, 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, electricity facilities, and telecommunication networks to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
6. 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.
7. 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.
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 City of Darwin 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;
 - (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.

10. 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.
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. 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.
14. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above roof level of the building.
15. External lights must be designed, baffled and located to the satisfaction of the consent authority to prevent any adverse effect on adjoining land, roads, and on the operation of the RAAF Base Darwin and Darwin International Airport.
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.
17. Soil erosion and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
18. An Occupancy Permit under the Building Act shall not be granted until such time as a new title is issued in respect of the subject site.

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. Power and Water Corporation advises that WASSEP charges apply for this development, and the developer should contact Services Development for further information.
3. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities.

4. The developer is required to contact 'Dial Before You Dig' on 1100 to obtain a location of the Telstra Network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.
5. 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.
6. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to Council.
7. The site is subject to "The Defence Areas Control Regulations" (DACR). Any structures (including temporary structures) higher than 15m above ground level including, but not limited to, additional buildings, light poles, cranes used during construction, vegetation etc. requires approval by the Department of Defence.
8. Darwin International Airport advises that the site is within extraneous lighting Zone C, and the lighting must comply with Section 9.21 "Lighting in the Vicinity of Aerodromes" of the CASA Manual of Standards Part 139, available at <http://www.comlaw.gov.au/Details/F2012C00280>.

REASONS FOR THE DECISION

1. The proposal is generally consistent with the purpose of Schedule SD31 (Specific Use Darwin 31) which is to 'facilitate the development of the site for commercial purposes which respond to exposure to aircraft noise'.
2. The requirement for amended plans will ensure that:
 - all car parking spaces are functional and designed in accordance with the requirements of clause 6.5.3 (Parking Layout) of the NT Planning Scheme;
 - sufficient on-site car parking is provided in accordance with the requirements of clause 6.5.1 (Parking Requirements) of the NT Planning Scheme;
 - external materials/ finishes do not adversely impact on the operations of the Darwin International Airport/ RAAF base; and
 - landscaping is appropriately designed to reduce the visual impact of the car park, and to acknowledge the operational requirements of the Darwin International Airport/ RAAF base.

ACTION: Notice of Consent and Development Permit

ITEM 4
PA2013/0102
APPLICANT

SHED ADDITION TO AN EXISTING SINGLE DWELLING WITH A REDUCED FRONT SETBACK
LOT 3912 (18) CARSTENS CRESCENT, TOWN OF NIGHTCLIFF
SHED BOSS DARWIN

The applicant did not attend.

RESOLVED
87/13

That, pursuant to section 53(c) of the *Planning Act*, the Development Consent Authority refuse consent to the application to develop Lot 3912 (18) Carstens Crescent, Town of Nightcliff for the purpose a shed addition to an existing single dwelling with a reduced front setback for the following reasons:

REASONS FOR THE DECISION

1. Pursuant to section 51(a), when considering an application the consent authority must take into account any planning scheme that applies to the land to which the application relates. The Northern Territory Planning Scheme applies to Lot 3912 (18) Carstens Crescent with Clause 6.11 (Garages and Sheds) specifying the required minimum building setback distances for structures of this type. The proposal does not achieve the objectives of Clause 6.11 (Garages and Sheds) which is 'to ensure that garages and sheds are sited so they do not detract from the streetscape or the amenity of adjoining land'. The proposed shed will result in a development which is incompatible with the existing streetscape and character of the area, and will have adverse impacts on the visual amenity of the immediate and wider surrounding area.
2. In accordance with cause 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'. The application provides no special circumstances for the front setback encroachment which would merit the granting of consent by the authority. Furthermore, in making its decision no special circumstances to warrant such a significant departure from the Scheme's requirements could be identified.

ACTION: Notice of Refusal

ITEM 5
PA2013/0094
APPLICANT

SHED ADDITION TO AN EXISTING SINGLE DWELLING WITH A REDUCED FRONT SETBACK
LOT 2926 (18) KNOWLES STREET, TOWN OF NIGHTCLIFF
LUIS & CRISTINA LEMOS

The applicant did not attend.

RESOLVED
88/13

That, the Development Consent Authority vary the requirements of Clause 6.11 (Garages and Sheds) 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 2926 (18) Knowles Street, Town of Nightcliff,

for the purpose of a shed addition to an existing single dwelling with a reduced front setback, subject to the following conditions:

CONDITION 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 revised plans showing a 2.3m setback to the Knowles Street frontage but modified to show:
 - a. A side building setback for the shed of 1.5m consistent with the side setback originally proposed and exhibited.
2. Prior to the endorsement of plans and prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Darwin's 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 Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system.

GENERAL CONDITIONS

3. The works carried out under this permit shall be in accordance with the drawings 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 and sewerage to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
6. Before use of the shed commences, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
7. 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.

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. 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.
3. 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.
4. 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.

REASONS FOR THE DECISION

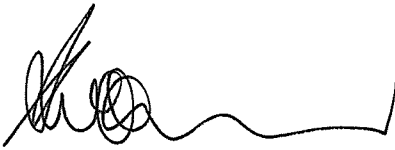
1. Pursuant to section 51(a), when considering an application the consent authority must take into account any planning scheme that applies to the land to which the application relates. The Northern Territory Planning Scheme applies to Lot 2926 (18) Knowles Street, Town of Nightcliff. A variation to the requirements of Clause 6.11 (Garages and Sheds) of the Scheme is supported to allow the shed to be located with a front setback (to Knowles Street) of 2.3m instead of the required distance as:
 - the site is constrained by its irregular shape, the orientation of the dwelling and the sewerage easement that runs along the entire Kilian Street frontage. Opportunities to locate the small garden shed in another location on the site with compliant building setbacks are limited;
 - the site is fenced with wooden slat fencing to a height of 2.2m. This fencing will provide partial screening of the shed as viewed from Knowles Street;
 - when viewed from Knowles Street, the shed will cover just 3.1m of the 30m property frontage. Once setback to 2.3m and screened by the 2.2m high fence, the shed is unlikely to have any negative impact on the streetscape; and
 - the revised plan shows a 1.7m wide garden bed between the shed and fence to Knowles Street with planting that may further obscure views of the shed through gaps in the panel fence.
2. The original setback of 1.5m is assessed as being inconsistent with the streetscape and incompatible with the setbacks of existing structures on the property and therefore likely to impact on the amenity of the Knowles Street area. In considering an application, the consent authority

must take into account the potential impact on the amenity of the area. The revised setback of 2.3m (as shown on the amended plan) is more consistent with the requirements of the Planning Scheme, more compatible with the setbacks of existing structures and more in keeping with the streetscape. For these reasons, the proposed setback is not expected to negatively impact on the amenity of the surrounding area.

3. The required amendments to the site plan including a revision to show a 1.5m side building setback as originally proposed will ensure that no new non-compliances are created than those originally exhibited.

ACTION: Notice of Consent and Development Permit

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



PETER MCQUEEN
Chairman

9/4/13

