



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 160 – FRIDAY 3 DECEMBER 2010

**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), Doug Lesh and for part of the meeting Steven Conn, Israel Kgosiemang, and Sharon Reid (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 9.45 am and closed at 11.15 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 **SUBDIVISION FOR A LEASE IN EXCESS OF 12 YEARS**
PA2010/1214 **LOT 6657 (28) FRANCES BAY DRIVE, TOWN OF DARWIN**
APPLICANT **EARL JAMES AND ASSOCIATES**

Mr Kevin Dodd (Earl James & Associates) and Mr Tim Crosland (CEO Bailey's Marine Fuel) attended.

Mr Dodd tabled two photos of the site prior and after the lease

RESOLVED
344/10

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 6657 (28) Frances Bay Drive, Town of Darwin, for the purpose of a subdivision for a lease in excess of 12 years, subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
2. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. 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 on the plan of subdivision submitted for approval by the Surveyor General.
5. The kerb crossovers and driveways to the site are to meet the technical standards of the Darwin City Council to the satisfaction of the consent authority.

NOTE:

1. An access easement is in place over the subject site in favour of Lot 6656, Town of Darwin allowing entrance onto or over the subject site with or without a vehicle.

REASONS FOR THE DECISION

1. The proposed lease in excess of 12 years will facilitate development which is consistent with the purpose of Zone SD9 which is to encourage the expansion of the existing waterfront and maritime industrial activities and the development of a mixed use area of residential, industrial and commercial uses that are related to the waterfront.
2. The condition to provide written support from the land owners of Lot 6656 Town of Darwin is required as the lease is proposed over an access easement registered on the title of Lot 6657 Town of Darwin which is in favour of Lot 6656. Approval will ascertain that as a legally interested party in this easement they consent to the lease over the easement.

ACTION: Notice of Consent and Development Permit

ITEM 2
PA2010/1241

MINOR CHANGES TO THE DEVELOPMENT APPROVED BY DP10/0625
INCLUDING DECREASING THE SIZES OF THE BALCONIES
LOT 2463 (5) HOUSTON STREET, TOWN OF DARWIN
PA GROUP PTY LTD

APPLICANT

Mr Savvas Savvas attended.

RESOLVED
345/10

That, pursuant to Section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 2470 (2) Houston Street, Town of Darwin, for the purpose of minor changes to the development approved by DP10/0625 including decreasing the sizes of the balconies, subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with drawing numbers 2010/1241/1 through 200/1241/14, 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. Before the use commences the owner must meet all conditions of this permit and development permit DP10/0625, to the satisfaction of the consent authority.

REASONS FOR THE DECISION

1. The proposal is consistent with the primary purpose of Zone HR (High Density Residential), which is, "to provide high density housing options close to major roads, schools and other community facilities".

2. The proposed changes to development permit DP10/0625 do not alter the level of compliance of the previously approved development, will not impact on adjacent premises or be noticeable from the street, and should improve the useability of the residences within the development. The balconies exceed the area and dimensional requirements of Clause 7.5 (Private Open Space), and as per the primary purpose of this clause, they remain "appropriately sited and of an adequate size to provide for domestic purposes".

ACTION: Notice of Consent and Development Permit

ITEM 3
PA2010/1240
APPLICANT

VERANDAH ADDITION TO AN EXISTING MULTIPLE DWELLING (UNIT 1)
LOT 1337 (49) CHAPMAN ROAD, TOWN OF NIGHTCLIFF
MORPH COLLECTIVE (NT) PTY LTD

The applicant did not attend.

RESOLVED
346/10

That, pursuant to Section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 1337 (49) Chapman Road, Town of Nightcliff for the purpose of a verandah addition to an existing multiple dwelling (Unit 1), subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings numbered 2010/1240/1 through 2010/1240/4, 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.

REASONS FOR THE DECISION

1. The proposed development does not contradict the primary purpose of Zone MD (Multiple Dwelling Residential), being "to provide for a range of housing options to a maximum height of two storeys".
2. The proposal is compliant with all relevant controls under the Northern Territory Planning Scheme, and is not considered to have any detrimental impact on the streetscape or amenity of adjoining residences.

ACTION: Notice of Consent and Development Permit

ITEM 4
PA2010/1265
APPLICANT

SUBDIVISION TO CREATE TWO DUPLEX LOTS
LOT 10373 (5) DAMIRRINDA STREET, TOWN OF NIGHTCLIFF
ELTON CONSULTING

Ms Wendy Smith (Elton Consulting) attended.

RESOLVED
347/10

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to subdivide Lot 10373 Damirrinda Street, Town of Nightcliff to create two duplex lots, subject to the following conditions:

1. Works carried out under this permit shall be in accordance with drawings numbered 2009/1144/1 & 2009/1144/2, endorsed as forming part of this permit.
2. 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 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, drainage, sewerage facilities, electricity supply and telecommunications to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.

REASON FOR THE DECISION

1. The proposed subdivision to create two duplex lots is supported as it is consistent with the intended lot size, configuration and land use of Zone SD17 (Specific Use Darwin 17) of the NT Planning Scheme.

ACTION: Notice of Consent and Development Permit

ITEM 5
PA2010/1244
APPLICANT

4 X 3 BEDROOM MULTIPLE DWELLINGS IN A 2 STOREY BUILDING
LOT 2255 (19) HINKLER CRESCENT, TOWN OF DARWIN
BAYSIDE CONSTRUCTIONS & DEVELOPMENTS PTY LTD

Mr James Bosley (Bayside Constructions & Developments Pty Ltd - owner) and Mr David Cvirn (Cvirn Property – owner) attended.

RESOLVED
348/10

That, the Development Consent Authority vary the requirements of Clause 6.5.3 (Parking Layout), Clause 7.1 (Residential Density and Height Limitations), Clause 7.3 (Building Setbacks of Residential Buildings) and Clause 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 2255 (19) Hinkler Crescent, Town of

Darwin for the purpose of 4 x 3 bedroom multiple dwellings in a 2 storey building subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of works (including site preparation) a schematic plan is to be provided, demonstrating that all stormwater can be collected on the site and discharged underground to Council's stormwater drainage, to the requirements of Darwin City Council and to the satisfaction of the consent authority. This plan is to include details of site levels and stormwater drain connection points within the vicinity of the site.
2. Before the development starts, a landscape plan to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and two copies must be provided. The plan must show:
 - (a) details of surface finishes of pathways and driveways;
 - (b) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - (c) landscaping and planting within all open areas of the site;
 - (d) a total area of landscaping on the site equal to at least 30% of the site area (i.e. at least 284.1m²); and
 - (e) fencing details to all side boundaries.All species selected must be to the satisfaction of the consent authority.

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. 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 services 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. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council to the satisfaction of the consent authority.
7. The kerb crossovers and driveways to the site approved by this permit shall be to the technical standards of and at no cost to the Darwin City Council, 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 Darwin City Council, 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. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
12. 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.
13. 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.
14. 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.
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. 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.

REASONS FOR THE DECISION

1. The proposed development is consistent with the primary purpose of Zone MD (Multiple Dwelling Residential) to provide for a range of housing options.
2. A variation to Clause 6.5.3 (Parking Layout) is supported as the proposal remains functional and does not visually impact on the locality.
3. A variation to Clause 7.1 (Residential Density and Height Limitations) of the Northern Territory Planning Scheme Clause is supported as the proposal does not conflict with the relevant part of the purpose of the Clause which is to ensure that residential development is of a density compatible with the existing and planned provision of reticulated services and community facilities which will service the area. Furthermore the site is located in an area of Zone MD, near public transport with a commercial centre
4. A variation to Clause 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme is supported as:
 - a. the garages do not present an overlooking impact to the adjoining lots as no windows are proposed on the facades;
 - b. the garages do not contribute significantly to the building mass of the building as they are at ground level, set with a back drop of the proposed building (which complies with the setback controls);
 - c. there are no buildings in proximity to the boundaries where the encroachments occur therefore any adverse impact upon the amenity of neighbouring properties is considered unlikely; and
 - d. the building is well articulated with a variety of roof forms, interesting fenestration elements, screening features and balconies.
5. A variation to Clause 7.5 (Private Open Space) of the Northern Territory Planning Scheme is supported as the private open space provided to these units are of a size and dimension to accommodate envisaged domestic activities and provide residents with a suitable level of amenity.

ACTION: Notice of Consent and Development Permit

ITEM 6
PA2010/1224

**REDEVELOPMENT OF THE SITE TO CONSTRUCT 12 X 2
BEDROOM MULTIPLE DWELLINGS IN A 3 STOREY BUILDING
AND RETAIN 2 X 3 BEDROOM MULTIPLE DWELLINGS
IN A 2 STOREY BUILDING WITH GROUND LEVEL CAR PARKING
LOT 9293 (234) TROWER ROAD, TOWN OF NIGHTCLIFF**

APPLICANT

GEORGE SAVVAS

Mr George Savvas, Mr Nick Mougros (owner) and Mr John Tambouras (owner) attended.

RESOLVED
349/10

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 9293 (232) Trower Road, Town of Nightcliff for the purpose of redevelopment of the site to construct 12 x 2 bedroom multiple dwellings in a 3 storey building and retain 2 x 3 bedroom multiple dwellings in a 2 storey building with ground level car parking 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:

- special circumstances to be identified to support the varying of Clause 7.6 (Communal Open Space) of the Northern Territory Planning Scheme or to provide an area which complies with the provisions of Clause 7.6 (Communal Open Space) of the Northern Territory Planning Scheme.

REASON FOR THE DECISION

1. The application has not demonstrated compliance with Clause 7.6 (Communal Open Space) of the NT Planning Scheme. The applicant submits that the site is within walking distance to Wagaman Park and Casuarina Square. In this regard Wagaman Park is some distance from the site and is not conveniently usable by the future residents of the site. Casuarina Square is a shopping centre and is not suitable for use as open space. As such, no special circumstances having been identified to justify the varying of Clause 7.6.

ACTION: Advice to Applicant

ITEM 7
PA2010/1239
APPLICANT

**CHANGE OF USE OF PART OF A MEDICAL CLINIC TO A SHOP
LOT 537 (38) PROGRESS DRIVE, TOWN OF NIGHTCLIFF
NEVILLE JONES**

Mr Neville Jones attended and tabled a supplementary submission and a parking study at Nightcliff shopping centre.

RESOLVED
350/10

That, the Development Consent Authority determine to vary clause 6.5.1 (Parking Requirements) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 537 (38) Progress Drive, Town of Nightcliff, for the purpose of change of use of part of a medical clinic to a shop, subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawing numbered 2010/1239/1 through to 2010/1239/4, 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. No goods are to be stored or left exposed outside the buildings so as to be visible from any public street.
4. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council to the satisfaction of the consent authority.

NOTES:

1. The development and use hereby permitted must be designed, constructed, registered and operate in accordance with the *Building Code of Australia*, the *NT Public Health Act and Regulations*, the *NT Standards for Commercial Skin Penetration, Hairdressing and Beauty and Natural Therapy*.
2. Notwithstanding the approved plans, any signage is subject to separate Council approval.

REASONS FOR THE DECISION

1. The proposal is generally consistent with the purpose of Zone C (Commercial) which is to 'provide a range of business and community uses'.
2. A reduction of the number of car parking spaces required under clause 6.5.1 (Parking Requirements) of the Northern Territory Planning Scheme in accordance with clause 6.5.2 (Reduction in Parking Requirements) by 1 (.58) is supported as information has been provided by the applicant in the form of a parking study which demonstrates that there is sufficient car parking available in the immediate vicinity of the land to cater for the proposed change of use.

ACTION: Notice of Consent and Development Permit

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



PETER MCQUEEN
Chairman

6 /12/10