



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 153 – FRIDAY 3 SEPTEMBER 2010

BROLGA CONFERENCE ROOM
NOVOTEL DARWIN ATRIUM
100 THE ESPLANADE
DARWIN

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

APOLOGIES: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), Douglas Lesh and for part of the meeting
Hanna Stevenson, Israel Kgosiemang, Deborah Buise and Gemma Lotha
(Development Assessment Services)

COUNCIL REPRESENTATIVE: Apology

Meeting opened at 9.45 am and closed at 10.45 am
Reopened at 11.00 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 **10 X 2 AND 1X 3 BEDROOM MULTIPLE DWELLINGS IN 1 X 4 STOREY**
PA2010/962 **BUILDING INCLUDING GROUND LEVEL CARPARKING.**
APPLICANT **LOT 6103 (14) SERGISON CIRCUIT, TOWN OF NIGHTCLIFF**
PAUL JAMES

Mr Steven Koukouvas (developer), Mr Graeme Pascoe (Opus Consultants) and Mr Andrew Milatos (applicant) attended and tabled:-

- Three plans;
- two aerial photos of the site and surrounding area; and
- A plan showing the zoning of the surrounding area.

RESOLVED
237/10

That, pursuant to section 53(c) of the *Planning Act*, the Development Consent Authority refuse consent to the application to develop Lot 6103 (14) Sergison Circuit, Town of Nightcliff for the purpose of 10 x 2 and 1 x 3 bedroom multiple dwellings in 1 x 4 storey building including ground level parking.

REASONS FOR THE DECISION

1. The proposal does not comply with the density control given by Clause 7.1 (Residential Density and Height Limitations), and is considered to be an overdevelopment, not giving adequate consideration to the size constraints of the subject site. No special circumstances which merit the granting of consent by the authority have been demonstrated, as per Clause 2.5 (Exercise of Discretion by the Consent Authority) in this regard.
2. The site has an area of 866m². Clause 7.1 gives a density control for 4 storey buildings at 85m² for 1 or 2 bedroom units and 130m² for 3 bedroom units. Based on Clause 7.1 the required dwelling density for 10 x 2 bedroom units and 1 x 3 bedroom units in a 4 storey building would be 980m². This means that the site is 114m² short of the required area for the proposed development.

The proposal is compatible with the existing and planned provision of reticulated services and community facilities which will service the area, and consistent with land capability, as per the purpose of the clause. The inability of the development to comply with the density control is, rather, an indication of further non-compliances, as reflected through the lack of compliance with communal open space.

3. The proposal does not comply with the requirements of communal open spaces given by Clause 7.6. No special circumstances have been provided to justify this aspect of the proposal in particular the lack of communal open space that is 6m in width. The other previously

approved developments at 22 and 24 Sergison Circuit referred to by the applicant at the DCA meeting are not considered to constitute special circumstances justifying this development not having adequate communal open space. In this regard, it is noted that the other developments referred to by the applicant at the meeting are provided with communal open space areas that are wider and longer than the current proposal, and also have considerably larger private open space areas (in the form of balconies) which are an average of 23.16m² and 23.29m² respectively, while the current proposal provides balconies of an average size of only 13.15m².

4. Although the total area of communal open space is in excess of the 15% that is required, it is considered that the purpose of Clause 7.6 has not been met as the communal open space is not considered to be suitable to provide for a wide range of activities due to the space provided being too narrow. For example it is considered that inadequate space has been provided for barbeque facilities, communal seating or areas suitable for the needs of children.
5. It is noted that the proposed development is in relatively close proximity to the Nightcliff foreshore. However, facilities such as barbeques, open space suitable for children's play and communal seating are not considered to be in the immediate proximity of the site and therefore, it is considered that the provision of some such facilities should be provided for the occupants of the building on site. Such facilities including communal seating, barbeque areas and children's play area are located between 463m to 743m from the proposed development.

ACTION: Notice of Refusal

ITEM 2
PA2010/658

64 X 2 BEDROOM MULTIPLE DWELLINGS (INCLUDING 51 X 2 BEDROOM SERVICED APARTMENTS) AND INCLUDING CAR PARKING AT LEVELS 2 - 4 IN A 12 STOREY BUILDING
LOT 2443 (110) MITCHELL STREET, TOWN OF DARWIN
SAVVAS SAVVAS

APPLICANT

DAS tabled an addendum.

Mr Savvas Savvas (Savvas Architect), Mr Steven Koukouvas and Mr George Skyllis (developers) attended.

RESOLVED
238/10

That pursuant to Section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 2443 (110) Mitchell Street, Town of Darwin for the purpose of 63 x 2 bedroom and 1 x 1 bedroom multiple dwellings (including 51 serviced apartments) and including car parking at levels 1 – 3 in a 12 storey building, pending submission of additional information considered necessary for proper consideration of the application:

1. Clarification with regard to how the following matters, which have not been included in the subject proposal, are to be addressed as part of any development:
 - Proper serviced laundry facilities for use by guests to the serviced apartments;
 - Access to a furniture and linen storage room for use in conjunction with the hospitality component of the development;
 - Change or toilet facilities directly accessible from the pool area;
 - A porte-cochere or similar, or in the event that a porte-cochere is not considered necessary, evidence showing that the development will not have an undue adverse impact on the surrounding road network;
 - Regular staff facilities, including a lunch room, separate toilets and offices, and the provision of a service lift;
 - An on-site manager or caretaker, and how such a manager would ensure the amenity for long term residents after operating hours for the reception area; and
 - The potential for conflict to arise between the long-term residents and short-term guests, in terms of noise, behaviour and general amenity.

2. Why a carparking requirement for 1 space per dual-key serviced apartment should be imposed, taking into consideration the fact that these units have the potential to be tenanted independently and that if assessed as separate 1 bedroom units, the development would require a further 50 carparking spaces, and that under Clause 2.5 (Exercise of Discretion by the Consent Authority), "the consent authority may impose a condition requiring a higher standard of development than is set out in a provision of Parts 4 or 5 [of the Planning Scheme] if it considers it necessary to do so".

3. Clarification as to how the 'serviced apartment' use will differ from that of a standard 'multiple dwelling'.

ACTION: Advice to Applicant

ITEM 3
PA2009/1587
APPLICANT

2 X 3 BEDROOM MULTIPLE DWELLINGS IN A 2 STOREY BUILDING
LOT 6240 (6) BAYVIEW BOULEVARD, TOWN OF DARWIN
THE RED SHED

Mr Darron Lyons (The Red Shed) attended the meeting.

Submitter Ms Janet Karakotas attended.

RESOLVED
239/10

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consents to the application to develop Lot 6240 (6) Bayview Boulevard, Town of Darwin for the purpose of 2 x 3 bedroom multiple dwellings in a 2 storey building subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the commencement of works 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 storm water drainage meeting the requirements of Darwin City Council; and
 - additional electricity easements to the requirements of, and if deemed necessary by, the Power and Water Corporation; and

GENERAL CONDITIONS

2. Works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
4. 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.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
6. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
7. 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; and
 - (e) line marked to indicate each car space and all access lanes;to the satisfaction of the consent authority.
Car spaces and driveways must be kept available for these purposes at all times.

8. Before the use/occupation of the development starts the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
9. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
10. All air conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
11. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council to the satisfaction of the consent authority.
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. 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.

NOTE:

1. It is advised by the Power and Water Corporation that:
 - Among other requirements, it is a requirement that the water services to the dwellings be multi-metered. The owner/developer must install at their own cost, backflow prevention device at the outlet of the water meter through which Power and Water Corporation supplies water to the land. The developer may need to upgrade the existing 25mm water service or install a second service and should contact Services Development prior to construction.

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 to a maximum height of two storeys.

2. The proposed development fully complies with the requirements of the NT Planning Scheme and the applicant has obtained Bayview Covenant approval for the proposed development.

ACTION: Notice of Consent and Development Permit

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



PETER MCQUEEN
Chairman

3/9/10

