



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 163 – FRIDAY 4 MARCH 2011

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 Steven Conn and for part
of the meeting Israel Kgosiemang (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 9.45 am and closed at 12.30pm

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 CHANGES TO DP10/0426 FOR CHANGE OF USE OF PART OF SHOP TO
PA2010/1428 MEDICAL CLINIC
 LOT 8623 (11) VANDERLIN DRIVE, TOWN OF NIGHTCLIFF
APPLICANT AURECON AUSTRALIA

Ms Kate Large (Aurecon Australia) attended.

RESOLVED
46/11

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 8623 (11) Vanderlin Drive, Town of Nightcliff for the purpose changes to DP10/0426 for a change of use of part of a shop to a medical clinic subject to the following conditions:

1. Works carried out under this permit shall be in accordance with drawings numbered 2010/1438/1 and 2010/1428/2, endorsed as forming part of this permit.
2. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity and telecommunication services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
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. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council to the satisfaction of the consent authority.
5. Before the use commences the owner must, in accordance with 70(3) of the *Planning Act* provide 61 parking bays on proposed Lot 10490 Town of Nightcliff. In accordance with section 70(5) of the Act, 16 of the required parking bays must be provided through the payment of a monetary contribution to the Darwin City Council. The contribution is to be calculated in accordance with the requirements of section 70(6) of the Act.

NOTES:

1. Notwithstanding the approved plans, all signage is subject to Council's approval and shall meet all Council's requirements to the satisfaction of the Director of Technical Services, Darwin City Council at no cost to Council.
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.

REASONS FOR DECISION

1. The proposal is consistent with the primary purpose of Zone C (Commercial), which is, "to provide for a range of business and commercial uses".
2. A variation to the on-site provision of parking spaces required under clause 6.5.1 (Parking Requirements) of the Northern Territory Planning Scheme is supported as a payment in lieu to the Darwin City Council for 16 spaces will ensure that parking will be made available in the locality in the long term and as the provision of parking for commercial uses in a publicly accessible centralised pool promotes land use efficiency and improves availability of parking to the full community.

ACTION: Notice of Consent and Development Permit

ITEM 2
PA2010/1450

CARPORT ADDITION TO AN EXISTING SINGLE DWELLING WITH A REDUCED SIDE SETBACK

APPLICANT

LOT 267 (4) CAMPHOR STREET, TOWN OF NIGHTCLIFF
MIKE WRIGHT

DAS tabled an addendum which contained a further submission from the Mr Kwok-Chin Lee.

Submitter Mr Kwok-Chin Lee sent his apologies he is unable to attend.

Mr Mike Wright and Mr Shane Harris (friend) attended.

RESOLVED
47/11

That, the Development Consent Authority vary the requirements of clause 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 267 (4) Camphor Street, Town of Nightcliff for the purpose of a carport addition to an existing single dwelling with a reduced side setback, subject to the following conditions:

1. The works carried out under this permit shall be in accordance with drawings numbered 2010/1450/1 and 2010/1450/2 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. Storm water is to be collected and discharged into the drainage network to the technical standards and of at no cost to Darwin City Council to the satisfaction

of the consent authority. No stormwater drainage is to be discharged from the carport on to the neighbouring property.

REASONS FOR THE DECISION

1. The proposed development is consistent with the primary purpose of Zone SD (Single Dwelling) to provide for single dwellings on individual lots.
2. A variation to the requirements of this clause is supported as the outer surface of the solid roof structure is setback 1400mm from the side boundary which is considered to have minimal impact on the amenity of the neighbouring property due the provision of gutters and a kerb to direct the water discharged from the roof on to the driveway. Furthermore, the support columns already exist at 400mm from the affected side boundary and the proposed use as a carport will not significantly detract from the current use which is to park cars

ACTION: Notice of Consent and Development Permit

ITEM 3
PA2011/0018

**LEISURE AND RECREATION FACILITY (SQUASH COURTS) COMPRISING
12 COURTS, ANCILLARY OFFICES AND CARETAKERS RESIDENCE IN A SINGLE
STOREY BUILDING**

APPLICANT

**SECTION 5826 (23) ABALA ROAD, HUNDRED OF BAGOT
JACKMAN GOODEN ARCHITECTS**

DAS tabled an addendum which contained further information from the applicant and an amended recommendation from DAS.

Mr Colin Browne (Jackman Gooden Architects) attended and tabled eleven pages of photographs (2 photos on each page) and a disc.

RESOLVED
48/11

That, the Development Consent Authority determines to reduce the car parking requirement pursuant to clause 6.5.2 (Reduction in Parking Requirements) and to vary clause 7.10.3 (Caretaker's Residence), 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 Section 5826 (23) Abala Road, Hundred of Bagot, for the purpose of Leisure and recreation facility (squash courts) comprising 12 courts, ancillary offices and caretaker's residence in a single storey building, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and commencement of works (including site preparation) 3 full sets 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 the following:

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- a. 8 additional car parking spaces;
- b. A schematic plan including site levels showing the collection and discharge of stormwater to drainage system meeting the requirements of Road Networks Division's and/or Darwin City Council.
- c. A detailed car parking layout demonstrating access arrangements and how 65 car parking bays will be accommodated on site.
- d. Details of access driveway upgrade to the subject development area to Road Networks Division's requirements and approval.

GENERAL CONDITIONS

2. Works carried out under this permit shall be in accordance with drawings endorsed as forming part of this permit.
3. Prior to commencement of works an Erosion and Sediment Control plan (ESCP), including details and location of stormwater drains, is to be submitted meeting the requirements of Darwin City council and/or Road Networks Division.
4. Enter into a formal agreement to the satisfaction of the consent authority in relation to the use of the shared car parking facility and access aisles.
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 owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and telecommunication services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
7. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the buildings.
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 (including the existing informal car parking areas associated with the Toy Library and the Playgroup facilities) 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; and
 - (e) line marked to indicate each car space;
 to the satisfaction of the consent authority.
 Car spaces, access lanes and driveways must be kept available for these purposes at all times.

9. Parking signs to the satisfaction of the consent authority must be provided directing drivers to the areas set aside for car parking and must be located and maintained to the satisfaction of the consent authority. The area of each sign must not exceed 0.3 square metres.
10. Storm water is to be collected and discharged into the drainage network to the technical standards of Darwin City Council and/or Road Networks Division and at no cost to Darwin City Council/Road Networks Division.
11. Storage for waste disposal bins is to be provided to the requirements and satisfaction of Darwin City Council.
12. 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 Chairman, Development Consent Authority.
13. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
14. Any floodlighting or security provided on site is to be shielded in a manner to prevent the lighting being noticeable or causing nuisance to Marrara Drive and McMillans Road traffic.
15. Access to the site from Marrara Drive shall be to the standards and approval of Road Networks Division.
16. 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.

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. You are advised that if at any time in the future it is intended to subdivide the land to separate the subject site from its parent parcel (including any lease in excess of 12 years), this will require the consent of the Development Consent Authority. Furthermore, this will be subject to the servicing requirements of the relevant service authorities, including the Power and Water Corporation. The Power and Water Corporation generally require the separate servicing of each individual lot, and it is recommended that you contact Power and Water prior to any construction works commencing to determine what servicing requirements would be applicable in the event there is any intent to subdivide the land in the future.

3. Notwithstanding the approved plans, any signage is subject to separate Council approval.

REASONS FOR THE DECISION

1. The proposal is generally consistent with the provisions of the NT Planning Scheme and the purpose of Zone OR (Organised recreation).
2. A reduction in the car parking requirement pursuant to clause 6.5.2 (Reduction in Parking Requirements) is supported based on the following reasons:
 - The car parking peak time demand for the Community Centre occurs mostly during the normal week working hours when the Squash Centre is less busy.
 - The design of the building is for only single courts and thereby attracts less number of players per game.
 - The toy library also operate on limited hours during the week days being Tuesday, Thursday, Saturday 9:30am-12:30pm and Wednesday 2:30pm-6:30pm.
 - Although squash courts would technically be classified as a racquet court sport, unlike tennis or badminton, squash requires that the size of the court be increased (by use of moveable walls) to accommodate a doubles game. This in effect makes the neighbouring court unusable. The design as submitted is for 12 only single courts. Therefore it should be considered that a squash court can accommodate two persons only per court.
 - The current proposal provides proportionally more car parking than the existing facility at Sabine Road (which provides 30 bays for 9 courts).
3. Conditions 3 and 14 are required in order to ensure the development will have no adverse impact on the amenity of the surrounding area.
4. The requirement for an Erosion and Sediment Control plan (ESCP) will ensure that the issue is addressed to the satisfaction of Darwin City Council/Road Networks Division.
5. The provision of schematic stormwater plan including site levels will ensure that this issue is addressed to the satisfaction of Darwin City Council/Road Networks Division.
6. The requirement for a plan showing the car parking layout with 65 bay and the access aisle upgrades will ensure compliance with clause 6.5.3 (Parking Layout) and demonstrate that the car parking area can in fact accommodate 65 parking spaces.
7. The requirement for the provision of information in regard to access arrangement in relation to the shared car parking facility and access aisles is required in order to ensure the functionality of the development.

8. The requirement for 8 additional car parking spaces to be provided is necessary in order to ensure there is adequate car parking available to cater for the proposed use, and in particular during Saturday morning when the Toy Library is operating.

ACTION: Notice of Consent and Development Permit

ITEM 4 **22 X2 BEDROOM MULTIPLE DWELLINGS IN A 3 STOREY AND 4 STOREY**
PA2010/1339 **BUILDING WITH GROUND LEVEL CARPARKING**
 LOT 6737 (7) VILLAFOR CRESCENT, TOWN OF DARWIN
APPLICANT **RAW DESIGNS**

Mr Rob Watt (Raw Designs) and Mr Paul Dejesus, Mr Robert Higgins and Mr Stavros Mostros (Boa Homes) attended.

Submitters:- Mr Andy McCracken and Mr Peter Bracken with their representative Ms Jan Salmon attended.

Ms Salmon tabled a map showing the levels and slope on the site.

RESOLVED
49/11

That, the Development Consent Authority vary the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) and Clause 7.6 (Communal 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 6737 (7) Villaflor Crescent, Town of Darwin for the purpose of 22 x 2 bedroom multiple dwellings in a 3 storey and a 4 storey building with ground level carparking, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and 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 system, 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 Council's stormwater drain connection points within the vicinity of the site.
2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation) a landscaping plan for the site is to be provided, to the satisfaction of the consent authority. This plan is to include a planting schedule specifying plant species, quantities, pot sizes and size at maturity for all plants to be provided on-site. The landscaping plan should emphasise and provide significant screening along the eastern and southern boundaries of the site.
3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation) a site plan must be provided to the satisfaction of the consent authority showing building elevations which take into account and

accurately show the finished slope of the land, and which include all retaining walls that will be necessary for the development.

4. Prior to the endorsement of plans and prior to the commencement of works (including site preparation) amended plans must be provided to the satisfaction of the consent authority showing treatment (such as louvred slat privacy screening) on the bedroom windows directly abutting the walkways on each of the levels of the building. The screening must be of such kind that provides the future occupiers the option of screening the windows from view.

GENERAL CONDITIONS

5. Works carried out under this permit shall be in accordance the plans endorsed as forming part of this permit.
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 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 telecommunications services to the land shown on the endorsed plan in accordance with the authorities' requirements.
8. On-site construction activities must be undertaken between 7am – 7pm, Monday to Saturday, and 9am – 6pm on Sundays and public holidays.
9. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the Council, to the satisfaction of the consent authority.
10. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of, and be at no cost to Darwin City Council, to the satisfaction of the consent authority.
11. 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, Darwin City Council, and to the satisfaction of the consent authority.
12. 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.

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. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
15. 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.
16. 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.
17. 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 to ground level in a controlled manner to the satisfaction of the consent authority.
18. 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.
19. 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. Darwin City Council advises that any landscaping works within Council's road reserve are subject to Council's approval, and shall meet Council's requirements to the satisfaction of the General Manager of Infrastructure, Darwin City Council, and be at no cost to Council.
2. The Power and Water Corporation advise that the water service to each of the detached units is to be multi-metered; this may also be suitable for some of the semi-detached dwellings, please contact Power and Water Corporation for further details.
3. The Power and Water Corporation advise that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and the Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of one month prior to construction works commencing to determine servicing requirements and the need for upgrading of infrastructure.

REASONS FOR THE DECISION

1. The proposal is consistent with the primary purpose of Zone MR (Medium Density Residential), which is to “provide for a range of housing options to a maximum height of four storeys” and the development is considered to be of a “scale, character and architectural style [that is] compatible with the streetscape and surrounding development”.
2. A variation to Clause 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme for the front setback is supported as the 6m setback is in line with the setbacks of nearby buildings, there will be no impact from overlooking due to the separation of approximately 26m to the dwellings to the east, and the apparent building massing must be considered in the context of the neighbouring lots to the west, which rise considerably above the developments on Villaflor Crescent, and will be further minimised by the requirement to introduce landscaping along the eastern boundary. The development is seen to be in accordance with the purpose of Clause 7.3.
4. A variation to Clause 7.3.1 (Additional Setbacks for Residential Buildings Longer than 18m and for Residential Buildings over 4 Storeys in Height) is supported for the southern side boundary as the potential massing impacts are reduced by the articulation between units, which present independently, the 2m wide breezeway between the 3 storey and 4 storey buildings, and the imposition of landscaping emphasising screening to the southern boundary.
3. A variation to Clause 7.6 (Communal Open Space) of the Northern Territory Planning Scheme is supported due to the site’s proximity to Brian Chong Wee Park, which is over 5,000m² in area. The park is within easy walking distance and provides for a greater range of activities, easily accommodating the communal open space needs of future residents, as per the purpose of Clause 7.6.
4. A site plan showing building elevations which take into account and accurately show the finished slope of the land, and which include all retaining walls that will be necessary for the development is necessary in order to show the development as it will appear once constructed.
5. Amended plans showing treatment of the bedroom windows directly abutting the walkways on each of the levels of the building are necessary in order to ensure the privacy of future residents of the development.

ACTION: Notice of Determination

ITEM 5
PA2011/0003

**SUPPORTING ACCOMMODATION DEVELOPMENT COMPRISING
92 X1 BEDROOM SUITES WITHIN A 9 STOREY BUILDING
(INCLUSIVE OF A SINGLE LEVEL OF BASEMENT CARPARKING)
LOT 1407 (3) MANTON STREET, TOWN OF DARWIN
ETHAN AFFORDABLE HOUSING**

APPLICANT

Mr Ashley Fenn (Ethan Affordable Housing) and Mr Norm Fenn (Architect) and Major Peter Wood (Salvation Army) attended.

Mr Ashley Fenn tabled:-

- A response to submissions;
- A proposed Management Plan; and
- Nine amended plans.

Submitter Mr Christopher Copas attended.

**RESOLVED
50/11**

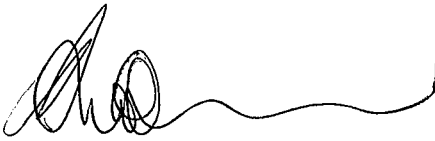
That pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 1407 (3) Manton Street, Town of Darwin for the purpose of 92 x 1 bedroom supporting accommodation suites within a 9 storey building (inclusive of a single level of basement carparking), to require the applicant to provide the following additional information that the Authority considers necessary in order to enable proper consideration of the application:

1. Additional information with regard to who will be residing in the building as it is stated that it is for aged people, and people who are 'poor or disadvantaged'. Addition information to the satisfaction of the consent authority is required with regard to more precisely who is considered to be 'poor or disadvantaged'.
2. Confirmation from a local waste removal company that it would be able to service the development from on-site.
3. The Management Plan tabled at the meeting, was not able to be review by Development Assessment Services (DAS). DAS is required to review the management plan and provide comments to the Development Consent Authority.

4. Confirmation from a Building Certifier that that the distance from the rooms to the fire exits can comply with the Building Code of Australia.
5. Additional information (including plans) demonstrating how the ventilation system will operate.

ACTION: Advice to Applicant

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



PETER MCQUEEN
Chairman

11/3/11

