

DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 173 – FRIDAY 5 AUGUST 2011

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

MEMBERS PRESENT: Grant Tambling (Presiding Member), David Hibbert, Bob Elix and Heather Sjoberg

APOLOGIES: Peter McQueen (Chairman)

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.

Pursuant to section 101(3) of the *Planning Act*, in the Chairman's absence Mr Grant Tambling was elected by the Division members to preside at this meeting.

ITEM 1 **4 X 1, 8 X 2, 4 X 3 AND 1 X 4 BEDROOM MULTIPLE DWELLINGS IN AN 8**
PA2011/0376 **STOREY BUILDING PLUS 1 LEVEL OF BASEMENT CARPARKING**
LOT 1229 (137) SMITH STREET, TOWN OF DARWIN
APPLICANT **ANTHONY HARITOS**

DAS tabled an addendum:- further information from the applicant.

Mr Anthony Haritos (Landowner) and Mr Jake Storey (Storey & Castle Planning Pty Ltd) attended.

Submitters Mr Colin Dowton and Ms Susanna Polan attended.

RESOLVED
166/11

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 1229 (137) Smith Street, Town of Darwin for the purpose of 4 x 1, 8 x 2, 4 x 3 and 1 x 4 bedroom multiple dwellings in an 8 storey building plus 1 level of basement 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:

- Amended plans (if required by the applicant) which seek to address the non-compliances of the proposal with the NT Planning Scheme. The amended plans should be accompanied with written information outlining the amendments and the special circumstances which justify any departure from the requirements of the NT Planning Scheme.
- A ground floor and/or basement plans showing the water meters, electricity easement, fire booster, and appropriate waste bin storage area, to the requirements of the relevant service authority, or confirmation from the applicable service authority that such infrastructure is not required.

REASONS FOR DECISION

1. The applicant has indicated that they would like time to review the recommendation to the DCA and consider if any amendments can be made to the proposal.



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3. There is insufficient detail with regard to the provision of services required for a development of this size, and there is a concern that the inclusion of the services will adversely impact the final appearance of the development and its compliance with other clauses of the Planning Scheme.

ACTION: Advice to Applicant

ITEM 2
PA2011/0398

APPLICANT

SUBDIVISION (IN ACCORDANCE WITH THE PROVISIONS OF THE UNIT TITLES ACT) TO CREATE 30 UNITS AND COMMON PROPERTY LOT 8021 (4) MITAROS PLACE, TOWN OF DARWIN EARL JAMES AND ASSOCIATES

Mr Kevin Dodd (Earl James & Associates) attended.

RESOLVED
167/11

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 8021 (4) Mitaros Place, Town of Darwin for the purpose of creating 30 units and associated common property under the *Unit Titles Act*, subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings numbered 2011/0398/1 through to 2011/0398/5, endorsed as forming part of this permit.
2. Part V clearance for subdivision into units under the *Unit Titles Act* will not be granted until the relevant Certificates of Compliance have been issued for the development, as shown on development permit DP08/0265 and its subsequent variations.
3. 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.
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, sewerage facilities and electricity and telecommunications services to the land shown on the endorsed plan in accordance with the authorities' requirements.

NOTES:

1. 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 subject unit plan subdivision to create 30 units and common property is consistent with the development approved under DP08/0265, for the purpose of 48 x 2 and 72 x 3 bedroom multiple dwellings in 4 x 4 storey buildings, and 42 x 2 bedroom 2-key serviced apartments with an ancillary café/ restaurant, and its subsequent variations, over former Lot 5602, Town of Darwin.
2. The development does not contradict any of the clauses of the Northern Territory Planning Scheme. In addition, the site is adequately serviced and provided with access.

ACTION: Notice of Consent and Development Permit

**ITEM 3
PA2011/0397**

UNIT TITLE SUBDIVISION (IN ACCORDANCE WITH THE PROVISIONS OF THE UNIT TITLES ACT) TO CREATE 30 UNITS AND COMMON PROPERTY LOT 8020 (5) MITAROS PLACE, TOWN OF DARWIN

APPLICANT

EARL JAMES AND ASSOCIATES

Mr Kevin Dodd (Earl James & Associates) attended.

**RESOLVED
168/11**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 8020 (5) Mitaros Place, Town of Darwin for the purpose of creating 30 units and associated common property under the *Unit Titles Act*, subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings numbered 2011/0397/1 through to 2011/0397/5, endorsed as forming part of this permit.
2. Part V clearance for subdivision into units under the *Unit Titles Act* will not be granted until the relevant Certificates of Compliance have been issued for the development, as shown on development permit DP08/0265 and its subsequent variations.
3. 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.

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, sewerage facilities and electricity and telecommunications services to the land shown on the endorsed plan in accordance with the authorities' requirements.

NOTES:

1. 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 subject unit plan subdivision to create 30 units and common property is consistent with the development approved under DP08/0265, for the purpose of 48 x 2 and 72 x 3 bedroom multiple dwellings in 4 x 4 storey buildings, and 42 x 2 bedroom 2-key serviced apartments with an ancillary café/ restaurant, and its subsequent variations, over former Lot 5602, Town of Darwin.
2. The development does not contradict any of the clauses of the Northern Territory Planning Scheme. In addition, the site is adequately serviced and provided with access.

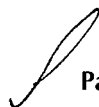
ACTION: : Notice of Consent and Development Permit

ITEM 4
PA2011/0385

APPLICANT

**VERANDAH AND SHED ADDITION TO EXISTING MULTIPLE DWELLING WITH
REDUCED SIDE AND REAR SETBACKS (UNIT 3)
LOT 1708 (140) RYLAND ROAD, TOWN OF NIGHTCLIFF
BYRON WILSON**

Mr Byron Wilson attended.



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**RESOLVED
169/11**

That, the Development Consent Authority vary the requirements of Clause 6.11 (Garages and Sheds) and Clause 7.3 (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 1708 (140) Ryland Road, Town of Nightcliff for the purpose of verandah and shed additions to an existing multiple dwelling with reduced side and rear setbacks, subject to the following conditions:

1. The development carried out under this permit shall be in accordance with drawing numbers 2011/0385/1 through 2011/0385/5 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 and sewerage facilities 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.

NOTES:

1. 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.
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 to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/ or surrounding infrastructure.

REASONS FOR THE DECISION

1. The proposed development is consistent with the primary purpose of Zone MD (Multiple Dwelling Residential) which is to provide for a range of housing options to a maximum height of 2 storeys.
2. A variation to Clause 6.11 (Garages and Sheds) of the NT Planning Scheme for a shed with reduced side and rear setbacks is considered satisfactory in this instance as the proposal is unlikely to significantly impact on the amenity of the surrounding area as:
 - the shed is a relatively small structure as demonstrated by its roofed area of 3.4 m² which is significantly less than the 11 m² roofed area for shed specified under Clause 1.3 (Exemptions) of the NT Planning Scheme;
 - the shed's openings (doors) do not directly face any abutting property;

- the 2.67m height is only slightly higher than the 2.5m height for shed specified under Clause 1.3 (Exemptions) of the NT Planning Scheme and the additional height would not be readily visible;
 - the appurtenant area on the abutting site to the south east, and the small area of roof and its slope is likely to result in minimal rainwater discharge to the abutting property; and
 - the shed is not located within particular close proximity to any dwelling on abutting properties.
3. A variation to Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme for a verandah addition with a reduced rear setback is supported in this instance as the proposed sections of roof encroachment beyond 900mm in the setback area is compensated for by sections of roof which encroach less than 900mm into the setback area, resulting in an average encroachment 900mm which would otherwise be allowable.

ACTION: Notice of Consent and Development Permit

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


GRANT TAMBLING
Delegate

9/8/11

