

DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 174 – FRIDAY 19 AUGUST 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) and Peter Sdraulig (Development
Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 10.30 am and closed at 12.15 pm

ITEM 2
PA2011/0420
APPLICANT

SUBDIVISION TO CREATE 5 LOTS
LOT 5988 (57) BAYVIEW BOULEVARD, TOWN OF DARWIN
EARL JAMES AND ASSOCIATES

Mr Kevin Dodd (Earl James & Associates) attended.

173/11

Submitter Ms Margaret Clinch (PLan) attended.

RESOLVED
173/11

That, pursuant to section 46(4)(b) of the *Planning Act*, the authority defer consideration of the application to develop Lot 5988 (57) Bayview Boulevard, Town of Darwin, for the purpose of subdivision to create 5 lots to require the applicant to provide the following additional information that the Authority considers necessary in order to enable proper consideration of the application:

Information from the Land Administration division of the Department of Lands and Planning as follows

- confirmation that proposed Lots A & B will be accepted for ownership by the NT Government;
- an assessment of the proposal's potential impact on the current zoning and use of O'Ferrals Rock, and the abutting public open space (Lots 6214 & 7525, Town of Darwin); and
- advice in respect to whether proposed Lots A & B are intended to be rezoned and incorporated as part of the abutting public open space, and whether these proposed lots and the existing public open space are intended to be upgraded and maintained as useable public open space.

REASONS FOR THE DECISION

1. Pursuant to section 51(r) of the *Planning Act*, the consent authority must take into account any potential impact on natural, social, cultural or heritage values. Proposed Lots A & B abut existing public open space and a natural feature (O'Ferrals Rock) and additional information is considered necessary to determine the proposal's impact on those areas.
2. Pursuant to section 51(k) of the *Planning Act* the consent authority must take into account the public facilities or public open space in the area in which the land is situated and the requirement, if any, for the facilities, or land suitable for public recreation, to be provided by the developer. The existing public open space area appurtenant to proposed Lots A & B is in a poorly maintained state and this application presents an opportunity to increase the size and condition of the public open space area.

ACTION: Advice to Applicant

ITEM 3
PA2011/0427

**SHED ADDITION TO AN EXISTING SINGLE DWELLING WITH A REDUCED SIDE
SETBACK**

APPLICANT

**LOT 2514 (16) HENRY ELLIS STREET, TOWN OF NIGHTCLIFF
PROJECT BUILDING CERTIFIERS**

The applicant did not attend.

**RESOLVED
174/11**

That, the Development Consent Authority vary the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) and Clause 6.11 (Garages and Sheds) and of the NT Planning Scheme and pursuant to section 53(a) of the *Planning Act* consent to the application to develop Lot 2514 (16) Henry Ellis Street, Town of Nightcliff for the purpose of a carport/ shed addition to an existing single dwelling with a reduced side setback, subject to the following conditions:

CONDITION 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 to the requirements of Darwin City Council. This plan is to include details of site levels and stormwater drain connection points within the vicinity of the site.

GENERAL CONDITIONS

2. The development carried out under this permit shall be in accordance with drawing numbers 2011/0427/1 endorsed as forming part of this permit.
3. Storm water is to be collected and discharged into the drainage network to the technical standards of and at no cost to Darwin City Council, to the satisfaction of the consent authority.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities, and electricity 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. The kerb crossings and driveways to the site approved by this permit are to meet the technical standards of Darwin City Council, to the satisfaction of the consent authority.
7. 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. Notwithstanding the approved plans, any works and/ or 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 or Infrastructure, Darwin City Council and at no cost to Council.

REASONS FOR THE DECISION

1. The proposed development is consistent with the primary purpose of Zone SD (Single Dwelling) which is to provide for single dwellings on individual lots.
2. A variation to Clause 7.3 (Building Setbacks of Residential Buildings) and Clause 6.11 (Garages and Sheds) and of the NT Planning Scheme for a carport/ shed addition to an existing single dwelling with a reduced side setback is considered satisfactory in this instance as the proposal is unlikely to detrimentally impact on the amenity of the surrounding area as:
 - the structure has been positioned to maximise existing private open space and landscaped areas;
 - dwellings on the abutting properties are not located within close proximity to the proposed structure;
 - the carport component of the structure, which is setback 1m from the eastern property boundary, is an open sided structure with only 2 posts within the setback area :

and as such the proposal is considered to comply with the purposes of Clause 7.3 which include 'to minimise any adverse effects of building massing when viewed from adjoining land and the street' and 'to encourage breeze penetration through and between buildings'.

3. Darwin City Council advises it is the sole authority responsible under the Local Government Act and associated by-laws for stormwater drainage and as such have requested details of the collection and discharge of stormwater for this proposal.

ACTION: Notice of Consent and Development Permit

ITEM 4
PA2009/1333

**42 X 2 BEDROOM MULTIPLE DWELLINGS IN A 12 STOREY BUILDING
INCLUDING GROUND LEVEL SHOPS
LOT 5966 (130) SMITH STREET, TOWN OF DARWIN
KIM ENTERPRISES**

APPLICANT

DAS tabled an addendum which included late comments from Darwin City Council.

Mr Savvas Savvas (Savvas P Savvas Architect) attended on behalf of Kim Enterprises.

RESOLVED
175/11

That, the Development Consent Authority vary the requirements of clause 6.3.2 (Volumetric Control in Central Darwin) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 5966 (130) Smith Street, Town of Darwin for the purpose of 40 x 2 bedroom multiple dwellings in a 12 storey building including ground level shops and carparking on levels 1 – 4, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the commencement of works, including site preparation, the applicant is to submit confirmation from the relevant service authorities that the proposed location for the electricity substation, water meter and fire booster is satisfactory, to the satisfaction of the consent authority. All related infrastructure is to be screened from view so as to not detract from the presentation of the building or the streetscape, with such screening to be to the satisfaction of the consent authority. The plans provided must be generally in accordance with the plans submitted with the application but modified to show the accepted electricity substation and fire booster locations.

GENERAL CONDITIONS

2. Works carried out under this permit shall be in accordance the plans endorsed as forming part of this permit.
3. Before the use commences the developer/ owner must pay a monetary contribution to Darwin City Council in accordance with Council's Carparking Contribution Plan in lieu of the 3 on-street carparking spaces removed as a result of this development, or for 3 of the spaces on the northwestern side of the ground floor to be allocated to Council, to the satisfaction of the consent authority. Payment is to be made as per Council's Contribution Plan at the time of payment.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and telecommunications services to the land shown on the endorsed plan in accordance with the authorities' requirements.
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 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.
7. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to 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, Darwin City Council, and 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. 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. 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.
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.
14. 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, notwithstanding the approved plans, any proposed awnings, footpaths and landscaping works within Council's road reserve are subject to approval from Darwin City Council, and shall be undertaken at no cost to Council.
2. Darwin City Council advises that any signage for the site shall be wholly within the subject site and subject to Council Policy No. 42 – Outdoor Advertising Signs Code.
3. Darwin City Council advises that, in no circumstances will the temporary storage of garbage and recycling waste bins on Council's road reserve for servicing purposes be permitted. The bins must always be serviced from the designated waste storage area within the property, with collection vehicles only permitted to enter and exit the property in a forward gear.
4. Power and Water Corporation advises that the current local infrastructure can not sustain the necessary fire fighting flows for this development. Therefore, the developer shall be required to contribute towards the upgrade of the local water reticulation infrastructure. The developer will need to contact Power and Water's Services Development Technical Officers to discuss water supply requirements and the level of contribution the development would attract.
5. PAWC 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.
6. Telstra advises that the developer is required to contact "Dial Before You Dig" on 1100 to obtain a location of the Telstra network and to arrange for any removal or relocation if required.

REASONS FOR THE DECISION

1. The proposed development is consistent with the purpose for Zone CB (Central Business) which is to provide for a diversity of activities including administrative...residential and retail and other business activities with a commitment to the separation of incompatible activities.
2. Confirmation is required from the relevant service authorities with regard to the acceptability of the electricity substation, water meter and fire booster that are shown on the ground floor as their size and positioning have the potential to impact on other aspects of the development.
3. A variation to clause 6.3.2 (Volumetric Control in Central Darwin) of the Northern Territory Planning Scheme is supported as the proposal is seen to satisfy the intent of the clause, being to "ensure that the siting and mass of buildings within Central Darwin promote a built form that

maximises the potential for view corridors to Darwin harbour, the penetration of daylight and breeze circulation between buildings, and privacy for residents of adjoining properties". The variation to the requirement to set back the development a minimum of 6m to Lot 2784 is justified on the basis that:

- The proposal was fully compliant against the repealed controls of clause 6.3, which applied at the time of lodgement; and
 - The only non-compliance occurs as the development is not set back 6m for the top 11m of the building, which comprises the top 3 storeys (marked as Levels 9 – 11) and the upper 1.1m of Level 8. It is considered that strict compliance with this requirement would not improve the amenity of users of the development or surrounding sites, and nor would it give an improved presentation to the street.
4. Payment in lieu to Council for the removal of any on-street parking spaces is supported as it is necessary that compensation be provided for the loss of an existing Council asset. It is noted that the development will see a surplus of parking, and that as there are 8 publicly accessible parking bays at ground level on the northwestern side of the development, and that allocation of these spaces may be preferable to payment.

ACTION: Notice of Consent and Development Permit

ITEM 5
PA2011/0460

CHANGE OF USE FROM OFFICE TO MEDICAL CLINIC WITH ANCILLARY SHOP
(PHARMACY)

APPLICANT

LOT 1763 (8) MCLACHLAN STREET, TOWN OF DARWIN
MAMMOTH PROJECTS C/O: DAVIS LANGDON

Mr Steve O'Neill (Integrated Practitioners Network) attended on behalf of Mammoth Projects).

RESOLVED
176/11

That, the Development Consent Authority determine to reduce the car parking requirement from 46 bays to 29 bays pursuant to Clause 6.5.2 (Reduction in Parking Requirements) of the Northern Territory Planning Scheme, and vary the requirements of Clause 6.5.1 (Parking Requirements) of the NT Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 1763 (8) McLachlan Street, Town of Darwin for the purpose of change of use from office to medical clinic with ancillary shop (pharmacy), subject to the following conditions:

1. The works carried out under this permit shall be in accordance with drawing number 2011/0460/1 endorsed as forming part of this permit.
2. The use and development as shown on the endorsed plans must not be altered without the further consent 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 facilities, and electricity to the land 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.
5. Before the use commences the owner must, in accordance with section 70(3) of the *Planning Act* provide 29 parking bays. In accordance with section 70(5) of the Act, 11 of the required parking bays may be provided through either:
 - 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; or
 - the payment of a monetary contribution to the Darwin City Council pursuant to the Local Government (Darwin Parking Local Rate) regulations;

To the satisfaction of Darwin City Council.

6. 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.
7. 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.
8. 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.
9. Storage and collection for waste disposal bins is to be provided to the requirements of Darwin City Council to the satisfaction of the consent authority.

NOTE:

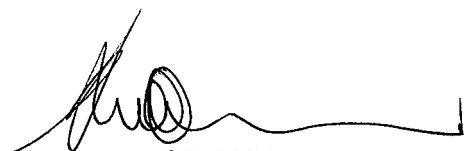
1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/ or surrounding infrastructure.

REASONS FOR THE DECISION

1. The proposal is consistent with the primary purpose of Zone CB (Central Business), which is to provide for a diversity of activities including administrative, judicial, professional, office, entertainment, cultural, residential, retail and other business activities, with a commitment to the separation of incompatible activities.
2. A reduction of 17 car parking spaces (from 46 to 29) is supported as:
 - a reduction of 1 car parking bay per general practitioner consulting room is based on the reasonable assumption that several persons attending the premises will already be working (or residing) within the central business area of Darwin, are therefore already in the area and would not generate any additional car parking; and
 - a reduction of 50% for the remaining components (pathology/ screening consulting rooms/ pharmacy) based on these components being largely ancillary to the general practitioner use, and on the nature of how the overall use operates, and the overlap of services within the entire facility.
3. 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 11 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

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



PETER MCQUEEN
Chairman

22/8/11

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These minutes record persons in attendance at the meeting and the resolutions of the Development Consent Authority on applications before it. Reliance on these minutes should be limited to exclude uses of an evidentiary nature.

