



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 166 – THURSDAY 21 APRIL 2011

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

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

APOLOGIES: Nil

OFFICERS PRESENT: Mone Coats-Ross (Acting Secretary), Doug Lesh, Steven Conn, Peter Sdraulig and Kate Smyth (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 9.30 am and closed at 10.30 noon

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 **16 X 1 BEDROOM SUPPORTING ACCOMMODATION UNITS AND**
PA2011/0147 **4 SUPERVISOR ACCOMMODATION SUITES IN 2 SINGLE**
STOREY BUILDING
APPLICANT **LOT 6836 (54) SALONIKA STREET, TOWN OF DARWIN**
RPPAUST

Mr Robert Schmucker, along with Luke Ingrames and Thomas Bramley attended the meeting.

RESOLVED
74/11

That, the Development Consent Authority determine to reduce the car parking requirements pursuant to clause 6.5.2 (Reduction in Parking Requirements) and vary the requirements of 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 6523 (54) Salonika Street, Town of Darwin for the purpose of a 16 x 1 bedroom supporting accommodation units (to cater for 32 children) and 4 supervisor accommodation suites in 2 single storey buildings subject to the conditions below.

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 and discharged to Council's stormwater drainage, to the requirements of Darwin City Council and to the satisfaction of the Department of Natural Resources, Environment, the Arts and Sport. This plan is to include details of site levels and stormwater drain connection points within the vicinity of the site.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawing numbers 2011/0147/1 through to 2011/0147/7 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 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 each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. Before the occupation of the development starts, the area 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.
6. The car parking, access aisle and driveway shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their visitors.
 7. 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 to the satisfaction of the consent authority.
 8. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to Darwin City Council and/or the Department of Natural Resources, Environment, the Arts and Sport.
 9. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council to the satisfaction of the consent authority.
 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

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 in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. It is recommended by the Road Network Division of the Department of Lands and Planning that due to the proximity of the Stuart Highway and Proposed Main road corridor adjacent to the lot, the developer should have carried out, in accordance with AS3671-1989, "Acoustics – Road Traffic Noise Intrusion – Building Siting and Construction" an assessment by a suitably qualified person of the Development's present and predicted future exposure to road traffic noise levels and where required, provide appropriate noise attenuation

measures. Road Network Division further advises that all noise attenuation works necessary are the responsibility of the developer and shall be wholly contained (including foundations) within the subject lot.

REASONS FOR THE DECISION

1. The proposal for an addition of 16 x 1 bedroom supporting accommodation units and 4 supervisor accommodation suites in 2 single storey buildings to an existing education establishment is consistent with the purpose of Zone CP (Community Purposes) of the Northern Territory Planning Scheme which is to 'provide for community services and facilities, whether publicly or privately owned or operated, including facilities for civic and government administration.'
2. The proposal is consistent with the existing use of the site and is unlikely to negatively affect the amenity of adjoining properties as it is sited 25m from the multiple dwellings to the south of the site. It is noted that accommodation facilities are presently successfully used within St Johns College.
3. A reduction in the parking requirements under clause 6.5.2 (Reduction in Parking Requirements) is warranted as there is a high level of excess car parking existing on both Campuses of the school and vehicle needs of the children to be housed in the supporting accommodation is low.

A variation to Clause 7.5 (Private Open Space) is supported as the private open space in the proposal is considered to be of sufficient quality and quantity to be consistent with the purpose of the clause as being of an adequate size to provide for domestic purposes given the short term nature of the individual residing in the suite.

ACTION

Notice of Consent and Development Permit

ITEM 2
PA2010/1405

**ADDITION OF 56 MOTEL SUITES IN A THREE STOREY BUILDING
AND ASSOCIATED TWO STOREY CAR PARKING BUILDING TO
AN EXISTING HOTEL PREMISES**

APPLICANT

**LOT 9717 (227) MCMILLANS ROAD, TOWN OF NIGHTCLIFF
YELLOWCITY PTY LTD**

Mr Terry Nixon attended the meeting.

Submitter Ms Lisa Peters attended the meeting.

RESOLVED
75/11

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 9717 (227) McMillans Road, Town of Nightcliff for the purpose of addition of 56 motel suites a three storey building and associated two storey car parking building to an existing hotel to require the applicant to provide the following additional information that the Authority considers necessary in order to enable a proper consideration of the application:

1. Provision of a report from a suitably qualified professional addressing the following matters:
 - a) assessment of the blind aisles against Australian Standard AS/NZS 2890.1:2004 – Parking Facilities and/ or alternative design solution complying with the relevant standard;
 - b) a properly constituted car parking study which includes dates, times and actual occupancy/ vacancy numbers for all existing car parking spaces on the site, and using this data to justify any requested car parking reduction for the proposed development and overall use of the land; and
 - c) the appropriateness of internal vehicle circulation, including an assessment of swept paths and requirements for any traffic control measures.
2. Additional information in respect to building design in response to the *Community Safety Design Guidelines* is required as it is considered the matter has not be satisfactorily resolved nor adequate justification provide for lack of passive surveillance opportunities to the public realm.
3. Written approval (or concept approval) from Darwin City Council to locate structures over Darwin City Council easements within the site.

REASONS FOR THE DECISION

1. The requirement for a report from a suitably qualified professional is considered necessary to ensure car parking and vehicle access within the site meets relevant standards to provide convenient and functional car parking, and that justification for any car parking reduction is evidenced by an appropriately suitable car parking study demonstrating that the existing and proposed is able to satisfy car parking demand generated by the development.
2. Additional information in Community Safety Design Guidelines The requirement for amended plans in respect to passive surveillance opportunities from the motel, or written justification is considered necessary It is considered that there is scope to to enable passive surveillance opportunities from the motel building, and the An assessment against the is required to ensure the development respond positively to Clause 8.2 (Commercial and other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T), addresses section 51(p) of the *Planning Act*, addresses submitters concerns and addresses Darwin City Councils concerns. The primary issue is safety concerns associated with the lack of passive surveillance opportunities. Secondary concerns includes how the design of the development responds to crime prevention through design objectives such as sightlines, design of the building exterior and openings, entrapment locations, lighting and way finding.
3. Written approval is required from Darwin City Council in respect to their easement in order to ensure the proposal does not adversely affect

Darwin City Councils infrastructure and ensure that redesign of the development will not be necessary.

ACTION

Advice to Applicant

**ITEM 3
PA2010/1348
APPLICANT**

**SUBDIVISION AND CONSOLIDATION TO CREATE 2 LOTS
LOT 1334 (3) NEPTUNA CRESCENT, TOWN OF DARWIN
EARL JAMES AND ASSOCIATES**

Mr Kevin Dodd attended the meeting.

**RESOLVED
76/11**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop lots 1334 (3) Neptuna Crescent and 5297 (2) Malabar Street, Town of Darwin for the purpose of a subdivision and consolidation to create two lots, subject to the following conditions:

GENERAL CONDITIONS

1. Works carried out under this permit shall be in accordance with drawing numbered 2010/1348/1, 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. 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 subdivision and consolidation is consistent with the relevant clauses of the Northern Territory Planning Scheme.
2. It is noted that there are no minimum lot size requirements for lots in zone PS (Public Open Space). However, it is considered that subdividing the park area would not result in the park becoming non-compliant with the purpose of zone PS (Public Open Space) which is to provide public areas for recreational activity.

ACTION

Notice of Consent and Development Permit

ITEM 4
PA2011/0145
APPLICANT

**ALTERATIONS AND ADDITIONS TO AN EXISTING LICENSED CLUB
LOT 9099 (269) TROWER ROAD, TOWN OF NIGHTCLIFF
JOANNA REES**

Mr Shane Harris (on behalf of Joanne Rees, works for the architect) attended the meeting.

**RESOLVED
77/11**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop 9099 (269) Trower Road, Town of Nightcliff for the purpose of alterations and additions to an existing licensed club, pending the following additional information considered necessary to enable a proper consideration of the application:

- Information from the Casuarina All Sports Club Inc. demonstrating to the satisfaction of the consent authority that the area identified as being for 'dining' use does not require a greater number of parking spaces than listed under clause 6.5.1 (Parking Requirements) of the NT Planning Scheme due to it being used for purposes other than dining.

**RESOLVED
78/11**

That, pursuant to section 86 of the *Planning Act*, the Authority delegates to the Chairman, or in the Chairman's absence any one of the other members of the Darwin Division, the power under section 53 of the Act to determine the application to develop 9099 (269) Trower Road, Town of Nightcliff for the purpose of alterations and additions to an existing licensed club subject to:

- Receipt of additional information from the Casuarina All Sports Club Inc. demonstrating to the satisfaction of the consent authority that the area identified as being for 'dining' use does not require a greater number of parking spaces than listed under clause 6.5.1 (Parking Requirements) of the NT Planning Scheme due to it being used for purposes other than dining; and

- The following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings numbered 2011/0145/1 through 2011/0145/3, 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 and telecommunications services to the land shown on the endorsed plan in accordance with the authorities' requirements.
4. Stormwater is to be collected and discharged into the drainage network to the technical standards of, and at no cost to, the Department of Lands and Planning, to the satisfaction of the consent authority.

5. 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.
6. The loading/ unloading of goods from vehicles must only be carried out on the land, and must not disrupt the circulation and parking of vehicles on the land.

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 in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. Any renovations to bars, food preparation areas or food delivery areas must have detailed plans submitted to the Department of Health, via a building certifier, for approval prior to the construction of building works.
3. The design and construction of all food premises must comply with the *NT Food Act 2004*, National Food Safety Standards: Standard 3.2.3 Food Premises and Equipment and the Building Code of Australia.
4. Under section 119 of the *Liquor Act*, notification of the material alterations described by this application must be made to the Licensing Commission, of the Department of Justice, before physical works are commenced.

REASONS FOR THE DECISION

1. The alterations and additions to the existing licensed club on Lot 9099 (269) Trower Road, Town of Nightcliff are in line with the purpose of Zone C, "to provide for a range of business and community uses" and accord with the tertiary purpose of Zone C, for development to, "be of a scale and character appropriate to the service function of a particular centre, respect the amenity of adjacent and nearby uses, and promote community safety in building design, having regard to adjacent and nearby uses". Subject to satisfying the grounds for deferral, the works are compliant against all relevant clauses of the Northern Territory Planning Scheme.
2. The need to provide additional information regarding the use of the 'dining' area, is necessary in order to demonstrate that the area identified as being for 'dining' use does not require a greater number of parking spaces than listed under clause 6.5.1 (Parking Requirements) of the NT Planning Scheme due to it being used for purposes other than dining.

ACTION

Advice to applicant.

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



PETER MCQUEEN

Chairman

28 /4/11