

DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 276 – FRIDAY 20 MAY 2016

BROLGA ROOM
NOVOTEL DARWIN ATRIUM
100 THE ESPLANADE
DARWIN

MEMBERS PRESENT: Denis Burke (Chairman), Doug Phillips, John Gleeson, Bob Elix and Robin Knox

APOLOGIES: Garry Lambert

OFFICERS PRESENT: Margaret Macintyre (Secretary), Sally Graetz, Adelle Godfrey, Joseph Sheridan, Roxanne Willing and Sarah Gooding (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 9.30 am and closed at 11.00 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 **RECONSIDERATION – CARPORT ADDITION TO AN EXISTING SINGLE**
PA2016/0006 **DWELLING WITH A REDUCED FRONT SETBACK**
 LOT 690 (3) BRITANNIA CRESCENT, TOWN OF SANDERSON
APPLICANT **HEINER STRUCTURAL ENGINEERING CONSULTANTS PTY LTD**

Ms Annette Joseland (Heiner Structural Engineering Consultants Pty Ltd) attended.

RESOLVED That, the Development Consent Authority vary Clause 7.3 (Building Setbacks of
110/16 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 690 (3)
 Britannia Crescent, Town of Sanderson for the purpose of a carport addition to an
 existing single dwelling with a reduced front setback, subject to the following
 conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings numbered 2016/0006/01 through to 2016/0006/04 inclusive, 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 kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the City of Darwin, to the satisfaction of the consent authority.
4. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to City of Darwin 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 and electricity facilities to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

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. This 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.

REASON FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into account the planning scheme that applies to the land to which the application relates.

The application is consistent with the purpose of Zone SD (Single Dwelling Residential) as the development is ancillary to the existing single dwelling.

2. A variation to Clause 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme to allow a reduced front boundary setback of 3.3m where 4.5m is required is granted as:

- the carport is an open structure and no adverse effects of building massing is anticipated when viewed from the street or adjoining land;
- the carport is single storey in height and is an open structure and it is therefore considered that breeze penetration will not be impacted as a result of the reduced setback;
- The carport will be screened from the street by a mixture of screen planting and panelled fencing which will assist in reducing any potential bulk of stored vehicles and the effect of the reduced setback; and
- No public submissions were received.

3. Pursuant to section 51(n) of the *Planning Act*, the consent authority must take into account the potential impact on the existing and future amenity of the area in which the land is situated.

The carport is sufficiently set back from the street and due to its open design, will generate minimal visual impact when viewed from the street or neighbouring lot. Proposed screening in the form of panelled fencing including pool fencing and block fencing as well as screen planting will further decrease any potential impact on visual amenity. As such it is therefore considered that no adverse impact on the existing and future amenity will occur as a result of the reduced setback.

ACTION: Notice of Consent and Development Permit

ITEM 2
PA2016/0185

**INDEPENDENT UNIT ADDITION TO AN EXISTING SINGLE DWELLING WITH
REDUCED FRONT AND SIDE SETBACKS
LOT 2366 (43) BRITOMART GARDENS, TOWN OF NIGHTCLIFF
MEGAN CARNE**

APPLICANT

DAS tabled an amended site plan and advice from the adjoining neighbour.

The applicant did not attend.

**RESOLVED
111/16**

That the Development Consent Authority vary clause 7.3 (Building Setbacks of Residential Buildings) of the NT 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 Lot 2366 (43) Britomart Gardens, Town of Nightcliff for the purpose of an independent unit addition to an existing single dwelling with reduced front and side and setbacks subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), 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 two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) a revised car parking layout which demonstrates functional access to each car of the required 3 on-site car parking bays. The design should also include in principle agreement from the City of Darwin for any changes to the existing crossover (if proposed);
 - (b) the existing landscaping that is to be retained adjacent the Britomart Street frontage and the north side boundary post development; and
 - (c) written confirmation from the adjoining landowners of Lot 2367 (41) Britomart Gardens that there are no issues with the proposed block work wall on the boundary. The written confirmation is to include the names of the adjoining landowners (in print) and be signed and dated.
2. Prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Darwin stormwater drainage system shall be submitted to and approved by the City of Darwin to the satisfaction of the consent authority. The plan shall include details of site levels and Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system.

GENERAL CONDITIONS

3. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
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 and electricity facilities to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
6. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the City of Darwin, to the satisfaction of the consent authority.
7. 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.

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. This 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.

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the Planning Act, the consent authority must take into account the planning scheme that applies to the land to which the application relates. The land is in Zone SD (Single Dwelling Residential) of the Northern Territory Planning Scheme, with the proposal comprising an independent unit addition to the existing single dwelling.

Clause 6.5.1 (Parking Requirements) of the Planning Scheme ensures that sufficient off-street car parking is constructed to a standard and conveniently located, and provided to service the proposed use. The consent authority requires the provision of amended plans to demonstrate a compliant number of car parking spaces are achieved on site to ensure parking for the development is sufficiently accommodated.

Clause 7.3 (Building Setbacks of Residential Buildings) ensures that the location of residential buildings are compatible with the streetscape and surrounding development, minimise any adverse effects of building massing when viewed from adjoining land and the street, avoid undue overlooking, and encourage breeze penetration through and between

buildings. The authority determined that the reduced front boundary setback is appropriate given the irregularly shaped lot. The existing mature landscaping on site is also considered to reduce the potential effect of building massing on the streetscape. Amended plans have been requested by the authority to identify the location of this landscaping, and a condition imposed to ensure it is maintained into the future.

2. Pursuant to Section 51(n) of the *Planning Act*, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated. The development also includes a reduced side boundary setback of 0m when 1.5m is normally required. The provision of written confirmation from the affected neighbour that the design is satisfactory will ensure that an appropriate level of amenity is achieved.

ACTION: Notice of Determination

ITEM 3
PA2016/0138
APPLICANT

RECONSIDERATION – ALTERATIONS AND ADDITIONS TO EXISTING LEISURE AND RECREATION (PARAP POOL)
LOT 5292 (77) ROSS SMITH AVENUE, TOWN OF DARWIN
PLANIT CONSULTING

Mr Boyd Sargeant and Ms Catriona Tatam (both from Planit Consulting)

Mr Luccio Cercarelli (General Manager Infrastructure) and Mr Nick Kleine (Team Leader Capital Works) (both from City of Darwin) attended.

Submitters in attendance:- Mr Robert & Mrs Sharon Wilson and Mr Keith Phelps.

Interested party Mr Lex Sylvester attended.

RESOLVED
112/16

That, the Development Consent Authority vary the requirements of Clause 6.1 (General Height Control) of the Northern Territory Planning Scheme, and pursuant to Section 53(a) of the *Planning Act*, consent to the application to develop Lot 5292 (77) Parap Road, Town of Darwin for the purpose of alterations and additions to existing Leisure and Recreation facility (Parap Pool), subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings numbered 2016/0138/01 through to 2016/0138/11 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 and electricity 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.
4. 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.
5. Before the use starts, the area(s) 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.
6. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the City of Darwin, to the satisfaction of the consent authority. 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 City of Darwin, 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.
8. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.
9. No goods are to be stored or left exposed outside the buildings so as to be visible from any public street
10. Before the 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.
11. 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.

12. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the consent authority.
13. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the consent authority.
14. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

NOTES:

1. This development permit does not grant building approval. You are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing construction works.
2. The NT EPA advises that the discharge of untreated wastewater to stormwater is an offence under the *Water Act*. Under section 16 of the *Water Act*, a person must not cause water to become polluted. As such, a trade waste agreement for the disposal of waste water to sewer is recommended to ensure that no receiving waterway (including any underground stormwater system) is polluted as a result of the redevelopment.
3. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development is available from Department of Land Resource Management.
4. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the National Construction Code of Australia, the *NT Public Health Act* and Regulations, the *NT Food Act* and National Food Safety Standards.
5. Any floodlighting or security lighting provided on site should be shielded in a manner to prevent the lighting being noticeable or causing nuisance to Ross Smith Avenue traffic.

REASONS FOR THE DECISION

1. Pursuant to Section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The purpose of Zone OR (Organised Recreation) is to provide areas for organised recreational activities. Development is to be limited to that which is consistent with the recreational opportunities of the land. The development includes alterations and additions to an existing public swimming pool; used for leisure, recreation and sporting activities as a commercial enterprise. This is consistent with the intent of Zone OR. The development is fully compliant with the requirements of the NT Planning Scheme with the exception of clause 6.1 (General Height Control).

A variation to clause 6.1 (General Height Control) of The NT Planning Scheme is supported for the following reasons:

- The shade structure is well set back from all boundaries; 45m from the eastern side boundary, 55m from Ross Smith Avenue frontage, 60m from the western boundary and 85m from Holtze Street frontage;
 - The shade structure replaces an existing shade structure that extends to a height of 12m (central supporting poles);
 - Due to the curved design of the shade structure, only the central section of the structure exceeds the height restriction;
 - The shade structure is open in nature, minimising visual bulk and allowing for breeze penetration;
 - There are several large trees on the site, which will assist in screening the structure;
 - The 11.5m structure offers a graduated building line from the two storey dwellings located along Goldsmith Street to the west to the four-storey multiple dwelling residential buildings located within Mitaros Place to the east;
 - The structure has been purposely designed to imitate an aircraft hangar, to pay tribute to the aviation history of both Ross Smith Avenue and Holtze Street; and
 - The shade structure is technically required to reach a height of 11.5m to ensure that view lines are maintained when the facility is used for competition purposes which is the intent of the redevelopment.
2. Pursuant to Section 51(n) of the *Planning Act*, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated.

The proposal is for the redevelopment of an existing use on the site and continues to be consistent with the purpose of Zone OR (Organised Recreation) to provide areas for organised recreational activities. The retention of large areas of green open space and mature trees will provide a visual and noise buffer to nearby residents. There is sufficient car parking on-site and, in the case of a large event, suitable areas are available to accommodate overflow parking and bus drop off/pickups.

The application includes a Traffic Management Plan that includes restricting the hours of construction in order to avoid conflicts with service/construction vehicles and children utilising the streets within the area. For these reasons no undue amenity impacts are anticipated as a result of the development.

The consent authority initially deferred the application to allow the applicant to provide further information and/or any amendments to the design to address potential amenity impacts resulting from the proposed buildings, car parking area and new driveway from Holtze Street and the surrounding residential area. The design was subsequently amended to remove the access from Holtze Street with service access instead to occur


from the Ross Smith car parking area, and removing the staff car parks adjacent to the plant rooms.

3. Pursuant to Section 51(h) of the *Planning Act*, the consent authority must take into consideration the merits of the proposed development as demonstrated in the application.

The applicant suggests the merits include that the proposal will facilitate the redevelopment of the existing Parap Leisure and Sports Centre to that of a much higher standard of facilities. The existing 55 yard, seven-lane pool will be replaced with a state-of-the-art, FINA-compliant, 50m competition pool. This facility will be the first of its kind available within the Darwin Region and has the potential to attract top levels of national and potentially international competitions such as national championships, and grand prix meets.

ACTION: Notice of Determination

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



JOHN GLEESON
Delegate

26 /5/16