DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 279 – THURSDAY 21 JULY 2016

BILLABONG ROOM
NOVOTEL DARWIN ATRIUM
100 THE ESPLANADE
DARWIN

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

APOLOGIES: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), Adelle Godfrey, Roxanne Willing, Walter Hawkins and Luke Devine (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 9.30 am and closed at 10.15 am
ITEM 1
PA2016/0368

SHED ADDITION TO EXISTING SINGLE DWELLING WITH REDUCED SIDE
AND REAR SETBACKS
LOT 9180 (14) ORCHARD ROAD, TOWN OF NIGHTCLIFF

APPLICANT
RYAN WOJTOWICZ

Mr Ryan Wojtowicz and Ms Rebecca Wigg (landowners) attended.

Submitter Masterplan NT (represented by Jack Priestly) attended.

RESOLVED
149/16

That the Development Consent Authority vary the requirements of Clause 6.11
(Garages and Sheds) of the Northern Territory Planning Scheme, and pursuant to
section 53(a) of the Planning Act, consent to the application to develop Lot 9180 (14)
Orchard Road, Town of Nightcliff for the purpose of a shed addition to an existing
single dwelling with a reduced side and rear 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 must be generally in
   accordance with the plans submitted with the application but modified to
   show:
      a. landscaping between the shed and affected boundaries.

2. Prior to the endorsement of plans and prior to the commencement of works, a
   schematic plan demonstrating the on-site collection of stormwater and its
   discharge into the City of Darwin’s 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. Before the use starts, the landscaping shown on the endorsed plans must be
   carried out and completed to the satisfaction of the consent authority.
5. 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.

6. The owner of the land must enter into agreements with the relevant authorities for the provision of drainage 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. 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 Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority’s Noise Guidelines for Development Sites in the Northern Territory. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

3. The consent authority noted at the time of determination advice from the applicant that the existing shed will be removed prior to the use of the approved shed.

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 proposal was assessed against the relevant clauses of the NT Planning Scheme and is consistent with the type of development reasonably anticipated within a residential zone.

Taking into account the reduced setbacks, the shed is determined to meet the purpose of Clause 6.11 since:
- it will be located at the rear of the property out of view from the street
- the land is 2170m² within the urbanised suburb of Coconut Grove where the minimum lot size for the zone is 4000m². It may be considered that the land is more akin to a large single dwelling lot and development exists and is expected to occur in a format consistent with that of Zone SD
the landscaping treatment is considered to effectively screen the shed and it is not expected to impact on the visual amenity of the adjoining land
• the adjoining land at the rear of the property also enjoys a reduced setback.

A variation to Clause 6.11 (Garages and Sheds) is granted for a reduced side and rear setback.

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.

It is considered the addition of a shed to an existing single dwelling is consistent with the type of development reasonably anticipated in the area. The design of the shed and the treatments proposed have been well thought out to reduce the visual bulk of the shed and it is thus considered that the proposal will have little or no impact on the visual amenity of the street and the adjoining land.

3. Pursuant to Section 51(e) of the Planning Act, the consent authority must take into consideration any submissions made under Section 49 in relation to the development application. One public submission was received for the application from a representative of the owner of Lot 9435 (12) Orchard Road which raised concerns about amenity impacts to the adjacent medical consulting rooms, including reduced natural light and noise impacts. In making this determination, the consent authority considered that the application was amended from a 1.5m setback original proposed to a 2.5m setback, that the shed will be used for domestic purposes only including for storage, and that previously a large tree existed in the location of the proposed shed which would have historically reduced the amount of natural light afforded to the use on the adjacent site. The setback between the proposed shed and the nearest building on the adjacent site will be 4.5m and landscaping will provide additional visual separation.

ACTION: Notice of Consent and Development Permit

<table>
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<th>2 X 4 BEDROOM MULTIPLE DWELLINGS IN A SINGLE STOREY BUILDING</th>
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<tr>
<td>PA2016/0367</td>
<td>LOT 11471 (5) BRIDGE STREET, TOWN OF NIGHTCLIFF</td>
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<tr>
<td>APPLICANT</td>
<td>ONE PLANNING CONSULT</td>
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Mr Israel Kgosiemang (One Planning Consult) attended.

RESOLVED 150/16

That, the Development Consent Authority vary the requirements of Clauses 7.3.1 (Additional Setbacks for Residential Buildings longer Than 18m...) and 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 11471 (5) Bridge Street, Town of Nightcliff for the purpose of 2 x 4 bedroom multiple dwellings in a single storey building, subject to the following conditions:
CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to the 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, and must be generally in accordance with the plans submitted with the application but modified to show:
   a) fencing to frame the minimum dimensions of the private open space areas for unit 2;  
   b) a planting schedule including botanical names, common names, pot sizes, and sizes at maturity of quantities of each plant, to provide a visual screen of landscaping around the perimeter of each private space area adjacent to the street frontages to achieve a landscaping height of 1.8m within two years of planting.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.

3. 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.

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. 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.

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. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, to the satisfaction of the consent authority.

8. Prior to the use/occupation of the development and connection of services (i.e. power and water), the owner of the land must apply for unit/street addressing from the Surveyor-General of the Northern Territory. This will form the legal address and will be required to be placed on the doors and meters within the

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development in accordance with the allocation. An Occupancy Permit will not be able to be granted until such time as addressing is obtained.

9. 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.

10. 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.

11. All air conditioning condensers (including any condenser units required to be added or replaced in the future) 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.

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 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.

3. A permit to work within a road reserve may be required from the City of Darwin before commencement of any work within the road reserve.

4. The Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency’s Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
5. Notwithstanding the approved plans, any proposed works (including landscaping) within the road reserve is subject to approval and shall meet all requirements of the City of Darwin, and at no cost to the City of Darwin.

6. 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.

7. The Surveyor-General advises you should immediately make application for unit/street addresses to the Survey and Land Records unit on (08) 8995 5362 (surveylandrecords@nt.gov.au).

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 SD23 is to facilitate the subdivision, use and development of the land as a residential estate that provides for housing choice through a range of lot sizes and housing types. Land may be developed for multiple dwellings with consent, where identified on the land use drawing endorsed under the zone. The land is identified for multiple dwellings on the land use drawing endorsed through the Muirhead subdivision and the proposal is consistent with that drawing.

The application varies the requirements of Clause 7.3.1 (Additional Setback Requirements for Residential Buildings longer Than 18m...) as a setback of between 1.5m and 2m is provided to the south eastern boundary when 2.5m is required. Despite this, the design includes varied setbacks including two components of the built form which are setback 2m, and the central component setback 1.5m. The two components which have the setback of 2m include the garage to Unit 1, and a small verandah from the main bedroom of Unit 2. Window openings are included in the building design to this frontage which also assist in reducing the effects of building massing, including windows to the garage to Unit 1, and also the ensuite to Unit 2, which might not ordinarily be expected for similar developments of this type. A different paint treatment is also proposed to the garage wall to Unit 1 compared to the remainder of the elevation. From adjoining land, the requirement for more conservative setbacks than would otherwise be required on the adjoining lot 11494 to the south-east also assists in providing a greater level of separation to the dwelling on the adjacent site. Overall, the building design is determined to achieve the purpose of the clause in reducing the building massing as viewed from the adjacent land.

Amendment 426 to the Planning Scheme introduced in November 2015 allows an exception to the requirements of Clause 7.5 (Private Open Space), providing that transitional arrangements apply to development not in accordance with the recently amended Scheme provided a building permit had been issued or a contract to build signed prior to 6 November 2015. The application considered by the authority includes a
building contract signed 20 January 2015 and has been assessed against the private open space requirements that would have applied under a previous Planning Scheme. Each unit provides 45m² of private open space including minimum dimensions of 5m x 5m and is assessed as complying with what would have previously applied. A variation is recommended in this instance.

Amended plans which demonstrate that screening landscaping will be achieved around the perimeter of each private open space area adjacent to the street frontages within 2 years of planting, is required in lieu of 1.8m fencing given the restrictions in place by covenant approval.

2. Pursuant to Section 51(j) of the Planning Act, the consent authority must take into consideration the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development. Also, pursuant to section 51(m) of the Planning Act, the consent authority must take into account the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose. Conditions are recommended for inclusion based on the comments received from service authorities during exhibition of the application.

3. 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 land is zoned to accommodate the proposed development, in that the land is identified for the development of multiple dwellings, and the proposal is consistent with the required dwelling density, height and built form and scale anticipated in this location. No undue amenity impacts are expected.

ACTION: Notice of Consent and Development Permit

ITEM 3 PA2016/0393
CHANGE OF USE FROM WAREHOUSE TO LEISURE AND RECREATION (GYMNASTICS STUDIO)
SECTION 3280 (426) STUART HIGHWAY, HUNDRED OF BAGOT
APPLICANT TERRITORY GYMNASICS ACADEMY INC

Ms Rosie Anictomatis (President), Ms Rebecca Maple (Vice President) both from Territory Gymnastics Academy Inc attended.

Supporting submitter Melissa Hann (Head Coach, Territory Gymnastics Academy Inc attended.

RESOLVED 151/16 That the Development Consent Authority determine to reduce the car parking requirements pursuant to Clause 6.5.2 (Reduction in Car Parking Requirements) of the Scheme, and pursuant to section 53(a) of the Planning Act, consent to the

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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.
application to develop Lot 3280 (426) Stuart Highway, Hundred of Bagot for the purpose of a change of use from warehouse to leisure and recreation (gymnastics studio), subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), the applicant is to prepare a waste management plan to the requirements of the City of Darwin, to the satisfaction of the consent authority. The waste management plan is required to confirm waste collection will occur wholly on site.

2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a traffic impact assessment report is to be prepared by a suitably qualified traffic engineer, identifying any necessary upgrades to the surrounding street network to the requirements of the Department of Transport, to the satisfaction of the consent authority.

GENERAL CONDITIONS

3. The works carried out under this permit shall be in accordance with drawings endorsed as forming part of this permit.

4. The use and/or development as shown on the endorsed plans must not be altered without the further consent of the consent authority.

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, sewerage facilities, and electricity to the land shown on the endorsed plan in accordance with the authorities’ requirements and relevant legislation at the time.

7. Before the use of the development 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.

NOTES:

1. This permit will expire if one of the following circumstances applies:

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(a) the use is not started within two years of the date of this permit; or
(b) the development is not completed within four years of the date of this permit.
The consent authority may extend the periods referred to if a request is made in writing before the permit expires.

2. The finish of any Prime Identification sign, if erected, shall be such that, if illuminated, day and night readability is the same and is of constant display (i.e. not flashing or variable message). The sign shall be positioned:
(a) so as not to create sun or headlight reflection to motorists; and
(b) be located entirely (including foundations and aerially) within the subject lot.

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 application is for the change of use from warehouse to leisure and recreation (gymnastics studio) within an existing building. The proposal is considered consistent with the purpose of the Zone LI (Light Industry) of the Scheme.

2. 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.

Clause 6.5.2 (Reduction in Parking Requirements) allows the authority to consent to a development with fewer car parking spaces that required by Clause 6.5.1 (Parking Requirements).

The subject tenancy as leisure and recreation requires a car parking rate of 10 spaces per 100m². A lower rate is expected for the gymnastics studio as the floor area is taken up by large gymnastics equipment and predominately used by children who will mostly be dropped off and picked up from the site. Additionally there is a significant amount of parking on the site shared with adjacent tenancies whose peak trading times are during business hours, where the majority of gymnastic classes are between 4pm and 7:30pm weekdays and 9am and 11:30am on Saturdays. There is also a bus stop adjacent to the site.

Given the nature of the proposed use, the availability of car parking on the site, the proposal is not likely to create an undue demand on available car parking and a reduction in required parking pursuant to Clause 6.5.2 is considered appropriate.

3. Pursuant to Section 51(j) of the Planning Act, the consent authority must take into consideration the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.
The development is existing proposing no material change other than the allocation of additional car parking. Therefore, provided that all issues raised by the service authorities are suitably addressed it is considered that the land is capable of supporting the proposed development.

ACTION: Notice of Consent and Development Permit

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

DENIS BURKE
Chairman

29/7/16