DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 285 – FRIDAY 4 NOVEMBER 2016

BROLGA ROOM
NOVOTEL DARWIN ATRIUM
100 THE ESPLANADE
DARWIN

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

APOLOGIES: Nil

OFFICERS PRESENT: Kate Walker (Secretary), Hanna Steevens, Adelle Godfrey, Sarah Gooding and Walter Hawkins (Development Assessment Services)

COUNCIL REPRESENTATIVE: James Whyte

Meeting opened at 9.30 am and closed at 10.15 am
The meeting reopened at 10.45 am and closed at 2.15 pm
ITEM 1  
PA2016/0542  
CARPORT ADDITION TO AN EXISTING SINGLE DWELLING WITH A REDUCED FRONT SETBACK  
LOT 2514 (16) HENRY ELLIS STREET, TOWN OF NIGHTCLIFF  
APPLICANT  
GEORGE SAVVAS  
Mr George Savvas attended with land owner Mr Richard Crookes  
RESOLVED  
211/16  
That, the Development Consent Authority vary the requirements of Clauses 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) of the Northern Territory 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 addition to an existing single dwelling with a reduced front setback, subject to the following conditions:

CONDITIONS PRECEDENT  
1. Prior to the endorsement of plans, 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) the shade sail attached to the carport.

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 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.

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.

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.
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 for a carport addition to an existing single dwelling is consistent with the primary purpose of Zone SD (Single Dwelling) which is to provide for low density urban residential development, as the carport is ancillary to the primary use of the site as a single dwelling.

2. A variation to the requirements of Clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) is required as the application proposes a 1.66 metre setback where 4.5 metres is required. This variation is granted as the carport is well screened by landscaping at the front, and is not of significant height or length, thereby minimising the impact on the Henry Ellis Street streetscape. The orientation of the carport perpendicular to the street frontage also allows the successful provision of landscaping to the frontage. The carport is noted as having a relatively low profile and a pitched roof, with the carport below the height of the dwelling. Overall and through these features, the carport is deemed to meet the purpose of Clause 7.3, in being compatible with the streetscape and surrounding development and adequately minimising the effects of building massing.

A shade sail which is attached to the carport has a minor encroachment into the front setback was identified, and has been included in the determination.

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. No land capability issues were identified in the assessment of this application. Water Services requirements regarding easements can be met through standard conditions.

4. Pursuant to Section 51(e), the consent authority must take into consideration any submissions made under Section 49, and any evidence or information received under Section 50 in relation to the development application. One submission was received raising concerns with the extent of the setback variations proposed, the lack of justification provided within the application for the reduced setbacks, and the treatment of stormwater. The authority considered the setbacks proposed for the carport and determined in this instance, the built form is compatible with the streetscape and surrounding development. The application was circulated to the City of Darwin with no conditions relating to stormwater requested.

ACTION: Notice of Consent and Development Permit
APPLICATION FOR ALTERATION PERMIT: CARPORT ADDITION TO EXISTING MULTIPLE DWELLINGS
LOT 3962 (3) CARSTENS CRESCENT, TOWN OF NIGHTCLIFF
APPLICANT
NAC PTY LTD

Mr Michael Kuhn from NAC Pty Ltd attended with Body Corporate Manager Mr Michael Chau. Unit owners Ms Adene Lea and Ms Kathy Goulding attended. Ms Patricia Lea attended as an interested party.

Pursuant to section 43B(1) of the Planning Act, the Development Consent Authority consent to the proposed application to develop Lot 3962 (3) Carstens Crescent, Town of Nightcliff for the purpose of a carport addition to existing multiple dwellings subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings numbered 2016/0561/01 and 2016/0561/02 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 Power and Water (Water and Sewerage) to the satisfaction of the consent authority.

3. The owner of the must enter into agreements with the relevant authorities for the provision of drainage and electricity facilities, to the development shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.

4. 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.

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

NOTES

1. 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.

2. 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.

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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.
3. Notwithstanding the approved plans, any works within in the City of Darwin road reserve is subject to Council approval at no cost to Council.

REASONS FOR THE DECISION

1. Pursuant to section 43A(1) of the Planning Act, a person may apply for an alteration permit in relation to an existing building or existing works. Lot 3962 is developed as six multiple dwellings. The Lot is Zoned SD (Single Dwelling Residential) under the current Planning Scheme and “Multiple Dwellings” is now a prohibited use in Zone SD, however existing use rights apply under the Planning Act.

2. The application has been assessed against the performance criteria of section 43B(1) of the Planning Act and in relation to the carport proposed over the existing car parking area. As the front and side setbacks for the carport are the same as the existing shade sails constructed in 2007, the proposal will not alter a measurable aspect of an existing building by more than 5%, with no material impact on the amenity of the adjoining area anticipated. The carport is considered to improve the amenity of the site by providing an upgrade from the existing shade sails.

ACTION: Altered Permit

ITEM 3
PA2016/0584
APPLICANT

2 X 4 BEDROOM MULTIPLE DWELLINGS IN A SINGLE STOREY BUILDING
LOT 12007 (1) SAMUEL STREET, TOWN OF NIGHTCLIFF
ONE PLANNING CONSULT

Mr Israel Kgosiemang attended.

RESOLVED
213/16

That, the Development Consent Authority vary the requirements of Clauses 7.3.1 (Additional Setback Requirements for Residential Buildings longer than 18 metres and for Residential Buildings Over 4 Storeys in Height) of the NT Planning Scheme) and 7.5 (Private Open Space), and pursuant to Section 53(a) of the Planning Act, consent to the application to develop Lot 12007 (1) Samuel Street, Town of Nightcliff for the purpose of 2 x 4 bedroom multiple dwellings in a single storey building, 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) a planting schedule including botanical names, common names, pot sizes, the sizes at maturity, and quantities of each plant to provide a visual screen of landscaping around the perimeter of the private open space area for Unit 2 to achieve a landscaping height of 1.8m within 2 years of planting.

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2. Prior to the commencement of works (including site preparation), the applicant is to prepare an Environmental and Construction Management Plan (ECMP) to the requirements of the City of Darwin. The ECMP is to address how construction will be managed on the site, and is to include details of waste management, traffic control and haulage routes, stormwater drainage and the use of City of Darwin land during construction.

3. Prior to the commencement of works (including site preparation), the applicant is to prepare a dilapidation report covering infrastructure within the road reserve to the requirements of the City of Darwin.

GENERAL CONDITIONS

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

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 land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

6. 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.

7. 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.

8. 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.

9. 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.

10. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

11. Before the use/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.
12. 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.

13. 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.

14. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin.

15. 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.

16. 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.

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

18. Confirmation shall be provided to Development Assessment Services (in the form of an email addressed to the Power and Water Corporation) from a suitable qualified professional (being the Licensed Surveyor in most instances) confirming that all new UTS number labels have been correctly installed at the Customer's Metering Panel(s) and water meters (where applicable). Please provide a copy of an email addressed to both landdevelopmentnorth@powerwater.com.au and powerconnections@powerwater.com.au.

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 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).
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. 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. 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.

5. 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.

6. 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. 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 is consistent with Zone SD23, in that the land is identified for the development of multiple dwellings, and is generally compliant with the planning scheme. The proposal is not expected to create any amenity impacts which are not usual for this type of development.

2. The proposal varies Clause 7.3.1 (Additional Setback Requirements for Residential Buildings Longer than 18m), as an additional building length would normally be required for the north-western boundary due to the overall building length being longer than 18m. Despite the development not providing the additional setback, consent is granted as the amended plans provided by the applicant during assessment of the application demonstrate that adverse effects of building massing are mitigated by several design details on the relevant wall, including staggered setbacks, paint treatments, and an articulated roof design.

3. The proposal also varies the fencing requirements of Clause 7.5 (Private Open Space) to Unit 2. Amended plans which demonstrate that screening landscaping will be achieved around the perimeter of the private open space area for Unit 2 adjacent to the street frontages within 2 years of planting are required by condition, in lieu of the 1.8m fencing ordinarily required, given the restrictions in place by covenant approval. Both units otherwise achieve compliant private open space areas including the total area, dimension and permeability requirements of Clause 7.5.
4. 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 proposal is not expected to create any amenity impacts which are not usual for this type of development. It is consistent with Zone SD23, in that the land is identified for the development of multiple dwellings, and is generally compliant with the planning scheme.

5. Pursuant to Section 51(m) of the Planning Act, the consent authority must take into consideration the public utilities or infrastructure provided in the area in which the land is situated. A requirement for the provision of an Environmental and Construction Management Plan (ECMP) prior to the commencement of works, as well as the provision of a dilapidation report have been added as condition precedents, in response to City of Darwin requirements. Other services authority requirements are met through the inclusion of standard conditions.

**ACTION:** Notice of Consent and Development Permit

**ITEM 4\nPA2016/0572**

**APPLICANT**

Ms June D’Rozario attended with land owners Mr Michael and Mrs Gina Makrylos.

A number of submitters spoke to their objections of the application; Ms Katharine (Kate) Duncan tabled an addition to her original submission; Mr Darryl Thomas; Mr Bret Hood; Ms Carol Phayer; Ms Lisa Heames; Mr Hugh Bradley, Ms Margaret Clinch and Ms Catherine McAlpine.

Mr Graeme Suckling and Mr Sean Harragon spoke in support of the application.

Submitters who attended opposing the application included Mr Stewart and Mrs Amanda LaBrooy; Ms Annette Murtagh; Mr Ashley Hornsey; Ms Catherine Milera; Ms Darlene Chin; Mr David Sach; Ms Sue Bradley; Mr Ian and Mrs Marita Lunney; Ms Julie Kay; Mr Kelvin Costella and Ms Mary Wignell; Ms Lucy Gregg; Mr Mike Ilisch; Ms Sue Cunningham; Ms Suellyn Condon; Ms Vanessa Kay; Mr Roger Heapy; Ms Linda Howard, Mr David Morris and Ms Sharon Scurr.

Mr Sean Readwood attended as an interested party.

Submitters who sent their apologies included Ms Dimity Walker; Ms Joanne Stannard; Ms Monique Kildare; Mr Peter Geel; Ms Robin Knox; Mr Ron and Mrs Chris O’Brien; Mr Stephen Brennan; Ms Wendy Fanning and Mr Graham Kirby.

**RESOLVED\n214/16**

That, pursuant to section 46(4)(b) of the Planning Act, the Development Consent Authority defer consideration of the application to develop Lot 7820 (4) Blake Street, Town of Darwin for the purpose of 24 x 1, 54 x 2 and 37 x 3 bedroom multiple dwellings and ground level commercial tenancies in a 7 storey building (comprising 2
towers) plus 1 level of basement car parking, 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:

1. Amended plans and further information to demonstrate compliance with sub-
clause 3 of Zone SD46 with a specific focus on how the development will
contribute to improving the amenity of the Blake Street Precinct as an inner city
mixed use area and in creating a landmark development through high quality
architecture and distinctive streetscapes.
2. Amended plans and further information to demonstrate an improved level of
compliance with the requirements of Zone SD46 including but not limited to
setbacks and private open space (including ground floor dwelling).
3. Advice from City of Darwin that a traffic study has been prepared to their
requirements and satisfaction as per sub-clause 4 of SD46.

REASONS FOR THE DECISION

1. Pursuant to Section 46(4)(b) of the Planning Act, the consent authority may
defer consideration of a proposal to allow the applicant to provide additional
information it considers necessary to enable the proper consideration of the proposal
and its impact on the site and surrounding area. Further information and/or
amended plans are requested to demonstrate compliance with sub-clause 3 of Zone
SD46 with a specific focus on how the development will contribute to improving the
amenity of the Blake Street Precinct as an inner city mixed use area and in creating a
landmark development through high quality architecture and distinctive streetscapes.
Furthermore, with a view to successfully integrate the proposed development in an
established locality, it is the opinion of the consent authority that a greater level of
regard shall be had to achieving the requirements as outlined in Zone SD46.

2. With regard to item 3 above, the zoning requests that a development
application is to include the submission of a traffic study to the requirements and
satisfaction of the City of Darwin, with this considered relevant prior to the
determination of the application.

ACTION: Advice to applicant

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

DENIS BURKE
Chairman

10/11/16