DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 281 – FRIDAY 19 AUGUST 2016

BROLGA ROOM
NOVOTEL DARWIN ATRIUM
100 THE ESPLANADE
DARWIN

MEMBERS PRESENT: Denis Burke (Chairman), John Gleeson and Bob Elix

APOLOGIES: Doug Phillips, Garry Lambert and Emma Young

OFFICERS PRESENT: Kate Walker (Secretary), Ann-Marie Dooley, Walter Hawkins and Amit Magotra (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 9.30 am and closed at 10.00 am
ITEM 1
PA2016/0413
APPLICANT
ROSSI ARCHITECTS

TWO STOREY SINGLE DWELLING WITH REDUCED FRONT AND SIDE SETBACKS
LOT 8893 (214) CASUARINA DRIVE, TOWN OF NIGHTCLIFF

Mr Rossi Kourounis from Rossi Architects attended. Submitter Mrs Liz O’Brien and Mr Chris O’Brien attended, and Trevor Primmer was an apology.

RESOLVED
162/16

That, pursuant to Section 53(a) of the Planning Act, the Development Consent Authority vary the requirements of clause 7.3 (Building Setbacks for Residential Buildings) of the NT Planning Scheme and consent to the application to develop Lot 8893 (214) Casuarina Drive, Town of Nightcliff for the purpose of a two storey single dwelling, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of works (including site preparation), the applicant/land owner must provide confirmation from a suitably qualified person that the finished floor levels for habitable rooms are to be 300mm above the applicable flood level for the property which is 6.46 metres AHD, and that the finished driveway entrance is to be above the applicable flood level for the property.

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.

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. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage and electricity facilities 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. 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.

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7. The finished floor levels of the habitable rooms must be a minimum of 300mm above the applicable flood level for the property which is 6.46 metres AHD, and that the finished driveway entrance is above the applicable flood level for the property.

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. 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.

3. 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. Lot 8893 is located within Zone SD (Single Dwelling Residential) of the NT Planning Scheme. The primary purpose of Zone SD is to provide for single dwellings on individual lots. The proposal is for the redevelopment of existing residential land and proposes the construction of a two-storey single dwelling. The development is considered to be consistent with the existing scale and style of residential development in the area and the style of development reasonably anticipated given the existing development pattern and known constraints of the land.

2. A variation to the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme is considered acceptable as the proposed development includes landscaping and screening to maintain privacy for adjacent properties. The variations sought are consistent with the existing development pattern within the locality. The reduced building setbacks are therefore considered acceptable as the design of the dwelling will not undermine the intent of the clause.
3. Pursuant to Section 51(e) of the Planning Act, 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. Three submissions were received in relation to the application. While one submission supported the development, two raised concerns regarding the management of stormwater on-site. The requirement for a schematic stormwater plan to the satisfaction of the City of Darwin has been included as a condition precedent to ensure stormwater is properly managed and run-off is wholly contained within the site.

4. 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 application proposes redevelopment of existing serviced land. While the site is identified as being within the SSSA, the application allays risks by placing habitable rooms on ground and first floor levels, as well as placing the entrance to the basement car park above the AHD level. As a result the land is considered capable of accommodating the proposed development. Condition precedents have also been included that require the landowner to submit further documentation to ensure site constraints are addressed.

ACTION: Notice of Consent and Development Permit

ITEM 2
PA2016/0439
ALTERATIONS AND ADDITIONS TO AN EXISTING SINGLE DWELLING WITH A REDUCED FRONT SETBACK
LOT 1099 (39) RYLAND ROAD, TOWN OF NIGHTCLIFF

APPLICANT
THOMAS PHELAN

Mr Thomas Phelan attended with Miss Liz Smith and Mr Peter Phelan. Submitter Mr Alana Mackay was an apology.

RESOLVED 163/16
That the Development Consent Authority vary the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme, and pursuant to Section 53(a) of the Planning Act, consent to the proposal to develop Lot 1099 (39) Ryland Road, Town of Nightcliff, for the purpose of alterations and additions 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 2016/0439/01 through to 2016/0439/03 inclusive, 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 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. 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.

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. 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.

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 the purpose of Zone SD (Single Dwelling), being “to provide for single dwellings on individual lots”. The dwellings additions and alterations are ancillary to the single dwelling and appropriate to the area; it is considered that the development complies with the purpose of Zone SD.

2. A variation to the provisions of Clause 7.3 (Building Setbacks of Residential Buildings) is considered acceptable in this instance as the non-compliance is limited to the eastern corner of the verandah with the remaining setbacks gradually increasing from 3.25m to in excess of 4.5m from the affected front boundary. The development will not result in any undue overlooking to adjacent properties. Furthermore, the proposed additions are single storey, compatible
with the existing dwelling and development is not anticipated to cause undue impact to the immediate streetscape or broader locality.

3. Pursuant to Section 51(e) of the Planning Act, 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 public submission was received during exhibition. The submission raised concerns regarding potential nuisance impacts likely to occur during the construction on the dwelling additions. A standard note on the development permit has been included advising the proponent of the Northern Territory Environment Protection Agency’s Noise Guidelines for Development Sites.

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

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**ITEM 3**

**PA2016/0306**

**APPLICANT**

1 X 3 AND 1 X 4 BEDROOM MULTIPLE DWELLINGS IN A SINGLE STOREY BUILDING

LOT 11986 (49) BRIDGE STREET, TOWN OF NIGHTCLIFF

GL TOWN PLANNING

Mr Israel Kgosiemang attended on behalf of Christopher Cheung was an apology.

**RESOLVED**

164/16

That the Development Consent Authority vary the requirements of Clause 7.3.1 (Additional Setback Requirements for Residential Buildings Longer than 18m and for Residential Buildings over 4 Storeys in Height) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application to develop Lot 11986 (49) Bridge Street, Town of Nightcliff for the purpose of 1 x 3 and 1 x 4 bedroom multiple dwellings in a single storey building, subject to the following conditions:

**CONDITIONS PRECEDENT**

1. 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.

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, to the satisfaction of the consent authority. 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 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, to the satisfaction of the consent authority.

GENERAL CONDITIONS

4. The works carried out under this permit shall be in accordance with drawings numbered 2016/0306/01 to 2016/0306/08 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, seweage and electricity services to the development shown on the endorsed plan in accordance with the authorities requirements and relevant legislation at the time.

6. 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, to the satisfaction of the consent authority.

7. 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.

8. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of 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.

9. 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.

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

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. Dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

14. 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.

15. The private open space areas of each dwelling shall be screened on each boundary by:
   • the erection of a solid wall or screen fence not less than 1.8m high; or
   • fenced to a height not less than 1.8m high and planted with dense vegetation.

16. 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 replace.

17. 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. 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.

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. 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 demolition or construction works.

4. 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 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 landuse drawing endorsed through the Muirhead subdivision. The land is identified for multiple dwellings in Stage 6 of the Muirhead subdivision approved by Development Permit DPT13/0812.

A variation to the requirements of Clause 7.3.1 (Additional Setback Requirements for Residential Buildings Longer than 18m and for Residential Buildings over 4 Storeys in Height) is considered acceptable in this instance given the proposal is considered to meet the objectives of the clause including to minimise any adverse effects of building massing and visual bulk when viewed from adjoining land and the street. Features of the building design offering variations through the use of windows, roof heights and angles assists in providing articulation to the building form. From adjoining land, the requirement for more conservative setbacks than would otherwise be required on adjoining Lot 11985 to the north will assist in providing a greater level of separation between dwellings which will assist in reducing adverse effects of building massing.

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.

The proposal is consistent with zoning and density requirements and therefore is not expected to have any effect on land capability, subject to compliance with service authority requirement, which are addressed through the inclusion of appropriate conditions on the development permit.

ACTION: Notice of Consent and Development Permit

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

Bob Elly
Delegate

25/8/16

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.