



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 233 – FRIDAY 6 JUNE 2014

BROLGA ROOM
NOVOTEL DARWIN ATRIUM
100 THE ESPLANADE
DARWIN

MEMBERS PRESENT: Peter McQueen (Chairman), Grant Tambling, Ross Baynes, Garry Lambert and Robin Knox

APOLOGIES: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary) and Linda Henning, (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 **2 X 3 BEDROOM MULTIPLE DWELLING ADDITION TO AN EXISTING DWELLING**
PA2013/0962 **IN A SEPARATE 2 STOREY BUILDING**
 LOT 3735 (3) HELPMAN STREET, TOWN OF DARWIN
APPLICANT **DEAN CHAMBEYRON**

DAS tabled an addendum – further submission from submitter.

Mr Dean Chambeyron (landowner) and Mr Rossi Kourounis (Rossi Kourounis Architects) attended.

Submitter Mr Richard Pye attended.

RESOLVED
133/14

That the Development Consent Authority vary the requirements of clauses 7.3.2 (Distance Between Residential Building on One Site) and 7.5 (Private Open Space) of the Northern Territory Planning Scheme, and pursuant to 53(a) of the *Planning Act*, consent to the application to develop Lot 3735 (3) Helpman Street, Town of Darwin for the purpose of 2 x 3 bedroom multiple dwelling addition to an existing dwelling in a separate 2 storey building, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to commencement of works (including site preparation), the applicant is to prepare a schematic plan demonstrating all stormwater can be collected on the site and discharged to the City of Darwin's stormwater drainage system, to the requirements of the City of Darwin and Department of Lands, Planning and the Environment, to the satisfaction of the consent authority. The plan shall include site levels and the City of Darwin's stormwater drain connection point/s.

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. 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. Any easements required for the reticulation of water supply, drainage, sewerage facilities, electricity or telecommunication services shall be provided in accordance with the relevant authority's requirements and applicable legislation at the time, at no cost to those authorities.

5. Before the use or occupation 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.
6. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of, and be at no cost to the City of Darwin, to the satisfaction of the consent authority.
7. A waste management plan is to be submitted to the City of Darwin demonstrating waste disposal, storage and removal, to the satisfaction of the General Manager, Infrastructure, City of Darwin.
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. 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. This development permit does not grant 'building approval' for the proposed structure. The Building Code of Australia requires that any structure within 900mm of a boundary meets minimum fire resistance level requirements, and accordingly 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 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 servicing requirements of the Corporation, and the need for upgrading of on-site and/or surrounding infrastructure.
3. The Department of Lands, Planning and the Environment's 'Environment Protection Agency' advises that construction work should be conducted in accordance with the Department'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.

4. Telstra advises that the developer is required to contact "Dial Before You Dig" on 1100 to obtain a location of the Telstra network, and arrange for any removal or relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.

REASON FOR THE DECISION

1. The proposed development is consistent with the primary purpose of Zone MD (Multiple Dwelling Residential) to "provide for a range of housing options to a height of two storeys above ground level" and being of a "scale, character and architectural style" that is "compatible with the streetscape and surrounding development".
2. A variation to clause 7.3.2 (Distance Between Residential Building on One Site) is acceptable as the design and screening will result in the distance to have minimal impact on the functionality of each dwelling and is unlikely to impact residential amenity for future residents. The proposed building is to be sited 2.23m from the existing dwelling, which is less than the required minimum separation distance of 3m. However, no windows or openings on the wall of the existing dwelling face the proposed units. This serves to mitigate any noise or privacy issues between buildings, as detailed in the revised plans.
3. A variation to clause 7.5 (Private Open Space) is considered appropriate. While the private open space of the proposed units is just under the minimum dimension requirement at 5m x 4.5m, it is of a reasonable standard and the total area for each unit sufficiently exceeds the minimum requirement. The private open space of unit 3 is sufficiently delineated in the revised plans with the provision of additional information relating to fencing and screening.
4. In accordance with section 51(m) of the *Planning Act*, consideration has been given to all comments received from service authorities. Further approvals will be required from the City of Darwin and other applicable service authorities, as outlined in the conditions and notes included on the development permit.

ACTION: Notice of Consent and Development Permit

ITEM 2
PA2014/0179

CARPORT ADDITIONS TO EXISTING MULTIPLE DWELLINGS WITH REDUCED FRONT SETBACK

APPLICANT

**LOT 9468 (336) CASUARINA DRIVE, TOWN OF NIGHTCLIFF
JB INDUSTRIES (NT) PTY LTD**

The applicant did not attend.

DAS tabled an addendum - further submission from the submitters.

Submitters Mr John & Mrs Margot Bailey sent their apologies.

**RESOLVED
134/14**

That, pursuant to section 53(c) of the *Planning Act*, the Development Consent Authority refuse to consent to the application to develop Lot 9468 (336) Casuarina Drive, Town of Nightcliff for the purpose of carport additions with Colorbond roof sheeting to existing carports with reduced front setbacks for the following reasons:

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into consideration the NT Planning Scheme.

The application seeks to vary the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme in relation to building setbacks for open carport structures covered by shade sails to the Casuarina Drive property boundary. The proposed carport development complies with all other requirements of the NT Planning Scheme.

A variation of clause 7.3 to facilitate the reduced setback for carports with Colorbond roof sheeting, to the Casuarina Drive property boundary is not supported in this instance as the proposed variation is not consistent with the nature of development in the surrounding area and has potential to impact upon the amenity of adjoining properties.

2. Pursuant to Section 51(e) of the *Planning Act*, in considering a development application the consent authority is required to take into account any submissions made under Section 49 of the Act and any evidence or information received under Section 50 of the Act.

One submission was received under Section 49 of the Act. The issues raised by the submitter include that the existing car parks proposed to be covered are visitor car parks and therefore do not warrant permanent covering structures; and that there is potential for the carports to impact on the amenity of adjoining parcels, particularly through the blocking of foreshore views.

The concerns of the submitter are noted and the authority acknowledges the variation approved through DP94/151B for shade sails. The authority is of the opinion that the impact of Colorbond roof sheeting is different to that of shade cloth covering and is of the opinion that the permanent,

impermeable nature of Colorbond versus shade cloth would impact amenity.

3. Pursuant to Section 51(h) of the *Planning Act*, in considering a development application the consent authority is required to take into account the merits of the proposal as demonstrated in the application.

The applicant has not demonstrated sufficient merit in the proposal to justify the variation of NT Planning Scheme requirements or to negate concerns regarding the impact of the proposal on the amenity of the area.

4. Pursuant to Section 51(n) of the *Planning Act*, in considering a development application the consent authority is required to take into account the potential impact on the existing and future amenity of the area in which the land is situated.

The authority is of the opinion that the proposed carports will impact on the amenity of neighbouring properties through blocking of view lines, glare and radiation of heat through the impermeable nature of Colorbond.

The location of the proposed carports is inconsistent with similar development along Casuarina Drive and cannot be supported as approval would set a precedent that would potentially see an erosion of amenity in the area into the future.

ACTION: Notice of Refusal

ITEM 3
PA2014/0075
APPLICANT

STOCKPILING OF FILL FOR PERIOD OF 12 MONTHS
LOTS 6503 & 6504 (66 & 64) FRANCES BAY DRIVE, TOWN OF DARWIN
NORTHERN PLANNING CONSULTANTS

Mr Brad Cunnington (Northern Planning Consultants), Mr Ian Fanning (NT Director Tasmanian Seafoods) and Mr Craig Sanders (Structural Manager, SKM Darwin) attended.

Mr Cunnington tabled a Site environmental management Plan for stockpiling of clean fill material.

RESOLVED
135/14

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lots 6503 and 6504 (66 and 64) Frances Bay Drive, Town of Darwin, for the purpose of stockpiling of fill for a period of 12 months, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), an amended Site Environmental Management Plan must be submitted to and approved by the consent authority. The amended

- Site Environmental Management Plan must be generally in accordance with the original plan submitted with the application but modified to show:
- (a) actions to be taken to ensure the prevention of ponding and associated mosquito breeding;
 - (b) transportation of fill material to and from the site will only occur generally between 8am to 3:30pm Monday to Friday.
2. Prior to the endorsement of plans and prior to commencement of works (including site preparation), a Haulage Plan must be submitted to and approved by the City of Darwin and Department of Transport, to the satisfaction of the consent authority. The Haulage Plan should demonstrate:
 - (a) all routes proposed to be taken for the transport of fill from original locations to the subject site.
 3. Prior to the endorsement of plans and prior to commencement of works (including site preparation), an Erosion and Sediment Control Plan (ESCP), including details and location of stormwater drains, is to be prepared to the requirements of an independent suitably qualified professional and submitted to and approved by the consent authority on the advice of the Department of Land Resource Management, and an endorsed copy of the Plan will form part of this permit. All works relating to this permit are to be undertaken in accordance with the endorsed ESCP to the satisfaction of the consent authority.

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 ensure that only clean fill (virgin excavated natural material) or inert fill is accepted and that the inert fill has been adequately assessed as being suitable for its intended use(s).
6. The stockpiled fill must only be used in accordance with DP14/0367 (reclamation including coastal landfill, maritime and waterfront industry (inclusive of workshops) and showroom sales in 3 x single storey buildings)
7. 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.
8. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage and sewerage to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
9. 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.

10. 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.
11. Stormwater drains within the vicinity of the site are kept clear of any sediment runoff from the stockpile.
12. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into City of Darwin drains or to any watercourse.
13. Soil erosion control and dust control measures must be employed throughout the period of stockpiling to the satisfaction of the consent authority.
14. Any proposed work (including the provision of services) within, or impacting upon the Tiger Brennan Drive road reserve shall be in accordance with the standards and specifications, and to the approval of the Department of Transport.
15. Transportation of fill material to and from the site will only occur generally between 8am to 3:30pm Monday to Friday.

NOTES:

1. The Developer, his Contractor or Service Provider is required to obtain a "Permit to Work Within a Road Reserve" from the Department of Infrastructure prior to the commencement of any works within the Tiger Brennan Drive road reserve.
2. The Department of Transport advise that the loads of all trucks entering and leaving the site of works are to be constrained in such a manner, as to prevent the dropping or tracking of materials onto streets. This includes ensuring that all wheels, tracks and body surfaces are free of mud and other contaminants before entering onto the sealed road network. Where tracked material on the road pavement becomes a potential safety issue, the Developer will be obliged to sweep and clean material off the road.
3. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from Department of Land Resource Management.
4. 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.

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act* the Development Consent Authority must take into consideration the planning scheme that applies to the land to which the application relates.

The development is consistent with the requirements of Clause 6.16 (Excavation and Fill) of the NT Planning Scheme, and the site is considered suitable for the proposed use.

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 land is relatively flat and consists of concrete hardstand. The areas identified for stockpiling of fill do not have any significant constraints and are considered capable of supporting the proposed works. Furthermore, the implementation of an approved Site Environmental Management Plan and Erosion and Sediment Control Plan will ensure that the proposed temporary stockpiling of fill does not detrimentally affect the subject land or adjoining land.

ACTION: Notice of Consent and Development Permit

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



PETER MCQUEEN
Chairman

16/6/14