



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 187 – FRIDAY 20 APRIL 2012

**BROLGA ROOM
NOVOTEL DARWIN ATRIUM
100 THE ESPLANADE
DARWIN**

MEMBERS PRESENT: Peter McQueen (Chairman), Heather Sjöberg, David Hibbert
Bob Elix

APOLOGIES: Grant Tambling

OFFICERS PRESENT: Danna Scoot (A/Secretary), Hanna Stevenson and for part of the meeting,
Jamie Castles, Michael O'Neill, Peter Sdraulig (Development Assessment
Services) and Wonsdor Ung (Building Advisory Services).

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 9.30 am and closed at 11.50 pm

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ITEM 1 WITHDRAWN

ITEM 2 SUBDIVISION TO CREATE 1 LOT
PA2010/1161 LOT 5975 (131) EAST POINT ROAD, TOWN OF DARWIN
APPLICANT DEPARTMENT OF LANDS AND PLANNING

The Applicant (Department of Lands and Planning) did not attend

Submitter Mr Nick Mitaros sent his apologies.

RESOLVED That, pursuant to section 53(a) of the *Planning Act*, the Development Consent
78/12 Authority consent to the application to develop Lot 5975 (131) East Point Road, Town of Darwin for the purpose of subdivision to create one lot, subject to the following conditions:

CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawing numbered 2010/1161/01, endorsed as forming part of this permit.
2. 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 on the plan of subdivision submitted for approval by the Surveyor General.
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. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity services to the lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

NOTE

1. Should any heritage or archaeological material be discovered during any works associated with this permit, the permit holder should cease operations and phone Heritage Conservation Services of the Department of Natural Resources, Environment, The Arts and Sport.

REASON FOR THE DECISION

1. The proposed subdivision is consistent with the primary purpose of Zone PS (Public Open Space) to provide public areas for recreational activity.

ACTION

Notice of Consent and Development Permit.

**ITEM 3
PA2012/0150**

**SHED ADDITON TO AN EXISTING SINGLE DWELLING WITH A REDUCED
FRONT SETBACK**

APPLICANT

**LOT 4011 (14) HUDSON COURT, TOWN OF DARWIN
IRENE TAKTIKOS**

The applicant Ms Irene Taktikos attended.

Ms Irene Taktikos tabled plans showing the previous approvals for the site.

**RESOLVED
79/12**

That, pursuant to section 53(c) of the *Planning Act*, the Development Consent Authority refuse to consent to the application to develop Lot 4011 (14) Hudson Court, Town of Darwin for the purpose of a shed addition to an existing single dwelling with a reduced front setback for the following reasons:

REASONS FOR THE DECISION

1. The proposed shed is inconsistent with the purpose of Clause 6.11 (Garages and Sheds) of the Northern Territory Planning Scheme. A 0.5 metre setback would result in an adverse impact on the streetscape and visual amenity of the locality in terms of building massing.
2. No special circumstances have been identified which justify a variation to Clause 6.11 (Garages and Sheds). The existing development of the site up to and in some areas over the minimum setback requirements of the Scheme, thereby restricting further development to the front yard, is not considered a special circumstance. The proposed setback is a significant encroachment upon the minimum setback required under Clause 6.11 (Garages and Sheds) and far exceeds what might be considered a minor non-compliance. The setback requirements of Clause 6.11 (Garages and Sheds) are considered a bare minimum rather than the desired standard, and are designed to ensure that garages and sheds are sited so they do not detract from the streetscape or the amenity of adjoining land.

ACTION

Notice of Refusal.

**ITEM 4
PA2012/0158
APPLICANT**

**2 X 2 BEDROOM MULTIPLE DWELLINGS IN 2 SINGLE STOREY BUILDINGS
LOT 1310 (38) RYLAND ROAD, TOWN OF NIGHTCLIFF
BUILD UP DESIGN PTY LTD**

The Applicant Mr Jimmy Walker (Build Up Designs) attended.

Mr Simon Scally (Build Up Designs) sent his apology

Mr Wayne Wright (Department of Housing, Local Government and Regional Services) attended

**RESOLVED
80/12**

That, the Development Consent Authority vary the requirements of clause 6.5.1 (Parking Requirements), clause 6.5.3 (Parking Layout) and clause 7.5 (Private Open Space) 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 1310 (38) Ryland Road, Town of Nightcliff for the purpose of 2 x 2 bedroom multiple dwellings in 2 single storey buildings on a site in Zone SD34 (Specific Uses – Darwin), 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 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. The inclusion of 1.8m high screen fencing along the southern boundary adjacent to each verandah for a length of approximately 11m abutting unit 1; and 12m abutting unit 2 to provide screening to outdoor living areas.
2. Prior to the commencement of works (including site preparation), a 'Comprehensive Traffic Management Plan' shall be prepared to the satisfaction of the Department of Lands and Planning's Public Transport Division that addresses the ongoing provision of public transport services during construction, to the satisfaction of the consent authority

GENERAL CONDITIONS

3. Prior to the 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 Council's stormwater drainage system, to the requirements of City of Darwin and to the satisfaction of the consent authority.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity and telecommunication services 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. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council to the satisfaction of the consent authority.
7. The kerb crossovers and driveways to the site approved by this permit shall be to the technical standards of and at no cost to the Darwin City Council, to the satisfaction of the consent authority.

8. 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 Darwin City Council, to the satisfaction of the consent authority.
9. Before the use or occupation of the development starts, the areas 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; and
 - (d) drained;to the satisfaction of the consent authority.
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
10. 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.
11. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
12. The car parking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their visitors.
13. 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.
14. 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.
15. 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. 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 Development Consent Authority advises that part of the primary purpose of Zone SD34 (Specific Uses – Darwin) is to facilitate the use and development of the land for seniors and/or people with physical ailments or mobility impairments.

REASONS FOR THE DECISION

1. The proposed development appears to be consistent with the primary purpose of Zone SD34 (Specific Uses – Darwin) which is to facilitate the use and development of the land for single storey, multiple dwellings for seniors and/or people with physical ailments or mobility impairments.
2. A variation to clause 6.5.1 (Parking Requirements) is supported as the intended residents of the dwellings will be seniors and/or people with physical ailments or mobility impairments, making multiple car ownership unlikely. Considering this fact it is deemed sufficient that each dwelling exhibits 1.5 car parking spaces.
3. A variation to Clause 6.5.3 (Parking Layout) is supported as the proposal remains functional in respect to how many vehicles will be utilising the site, and does not visually impact on the locality. It is considered that the proposed car parking area is generally in accordance with the purpose of clause 6.5.3 as it is appropriately designed, constructed and maintained for its intended purpose of multiple dwellings for seniors and/or people with physical ailments or mobility impairments.
4. A variation to Clause 7.5 (Private Open Space) of the Northern Territory Planning Scheme is supported as the private open space provided to these accommodates envisaged domestic activities with a suitable level of privacy within the site and to adjoining lots.

ACTION: Notice of Consent and Development Permit.

ITEM 5
PA2012/0157

**10 X 2 BEDROOM MULTIPLE DWELLINGS IN 1 X 4 STOREY BUILDING PLUS
BASEMENT CARPARKING
LOT 4687 (38) GOTHENBURG CRESCENT, TOWN OF DARWIN
RANDAL ASHFORD**

APPLICANT

The Applicant Mr Randal Ashford attended.

Mr Hosain Rezaidelafi attended.

The Applicant tabled a Development Summary and Landscape Plans.

RESOLVED
81/12

That, pursuant to section 53(c) of the *Planning Act*, the Development Consent Authority refuse to consent to the application to develop Lot 4687 (38) Gothenburg Crescent, Town of Darwin for the purpose of 10 x 2 bedroom multiple dwellings in a 4 storey building plus basement car parking.

REASONS FOR THE DECISION

1. The proposal does not achieve the purpose of Clause 6.5.3 (Parking Layout) of the NT Planning Scheme, which is to 'ensure that a car parking area is appropriately designed, constructed and maintained for its intended purpose'. All but 4 of the car parking spaces have insufficient widths due to the encroachment of support columns, and the car park ramp is not fully designed with a suitable (Australian Standard) gradient.
2. The proposal does not achieve the purpose of Clause 7.1.1 (Residential Density Limitations) of the NT Planning Scheme which is to ensure that residential development is of a density compatible with the existing and planned provision of reticulated services and community facilities which will service the area, and consistent with land capability. The City of Darwin has advised of concerns with the increased density in respect to the additional traffic within its local street network. The proposal's non compliance with other requirements of the NT Planning Scheme indicates that the proposal is an overdevelopment and not consistent with land capability.
3. The proposal does not achieve the purpose of Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme which includes to ensure residential buildings, minimise any adverse effects of building massing when viewed from adjoining land and the street, and to encourage breeze penetration through and between buildings. The proposed building's reduced side setbacks will result in additional building mass as viewed from abutting properties and the street.
4. The proposal does not achieve the purpose of Clause 7.5 (Private Open Space) of the NT Planning Scheme which is to ensure each dwelling has private open space that is of an adequate size to provide for domestic purposes. The proposed balconies do not satisfy the minimum dimensions required by NT Planning Scheme and will restrict flexibility of balcony use to the detriment of future residents therein.

5. The consent authority must, pursuant to section 51(h) of the *Planning Act*, consider the merits of the proposed development as demonstrated in the application. The proposal includes several examples of non compliance with requirements of the NT Planning Scheme which indicates either further attention to design is required, or the proposal is an overdevelopment of the site.
6. The consent authority must, pursuant to section 51(n) of the *Planning Act* consider the potential impact on the existing and future amenity of the area in which the land is situated. The proposed development will have a detrimental impact on the visual amenity of the immediate and surrounding area as a result of building massing when viewed from adjoining land and the street.
7. In accordance with Clause 2.5 (Exercise of Discretion by the Consent Authority) of the NT Planning Scheme, 'the consent authority may consent to the development of the land that does not meet the standard set out in Parts 4 or 5 only if it is satisfied that special circumstances justify the giving of consent'. No special circumstances have been identified which merits the granting of consent by the authority for:
 - a car parking area which is not appropriately designed;
 - a development which is 18% over dense;
 - reduced side setbacks for the residential building; and
 - a reduced minimum dimensions for balcony private open space.

ACTION: Notice of Refusal.

ITEM 6
PA2011/0376

4 X 1, 8 X 2, 4 X 3 AND 1 X 4 BEDROOM MULTIPLE DWELLINGS IN AN 8 STOREY BUILDING PLUS 1 LEVEL OF BASEMENT CARPARKING LOT 1229 (137) SMITH STREET, TOWN OF DARWIN
ANTHONY HARITOS

APPLICANT

Mr Jake Story Attended on behalf of Mr Anthony Haritos. The Applicant Mr Anthony Haritos did not attend.

Submitters: Ms Susanna Polan and Mr Colin Dowton attended.

Submitter Ms Susanna Polan tabled correspondence notes.

RESOLVED
82/12

That, pursuant to section 53(c) of the *Planning Act*, the Development Consent Authority refuse consent to the application to develop Lot 1229 (137) Smith Street, Town of Darwin for the purpose of 4 x 1, 8 x 2, 4 x 3 and 1 x 4 bedroom multiple dwellings in an 8 storey building for the reasons set out below:

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority is required to consider the proposal's compliance with the Planning Scheme, as it applies to the land. The development has non-

compliances against clauses 6.5.3 (Parking Layout), 7.1.1 (Residential Density Limitations), 7.3 (Building Setbacks of Residential Buildings), 7.3.1 (Additional Setback Requirements for Residential Buildings Longer than 18m and for Residential Buildings Over 4 Storeys in Height) and 7.7 (Landscaping for Multiple Dwellings, Hostels and Supporting Accommodation). The number and degree of non-compliances are too great for the development to be supported and representative of an overdevelopment.

2. The site has an area that is significantly under that required by clause 7.1.1 (Residential Density Limitations) of the Northern Territory Planning Scheme for the number of dwellings being proposed by this development. The shortfall of 614m² on a site of 726m² in area is too great to justify, this clearly showing that the proposal is seeking to develop the site beyond what was intended by the Northern Territory Planning Scheme. No special circumstances are provided, as per clause 2.5 (Exercise of Discretion by the Consent Authority), that could warrant the variation sought. The concerns raised by the City of Darwin in relation to increased traffic levels, and its non-acceptance of the proposed on-street parking spaces, provide further evidence of the development proposing a density that is too great for the subject site.
3. The development requests a variation to the setbacks required by clause 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme for the front boundary for the main building, and to the southwestern/ side and southeastern/ rear boundaries for the carport. No special circumstances are identified for the proposed zero setbacks for the carport.
4. The non-compliances to 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 are not supported. The majority of setbacks do not comply, and the surpluses that are provided to some levels are not considered sufficient to compensate for, nor result in special circumstances to, these non-compliances.
5. The non-compliance to clause 7.7 (Landscaping for Multiple Dwellings, Hostels and Supporting Accommodation) of the Northern Territory Planning Scheme is not supported as it does not satisfy the purpose of the clause. The landscaping does not "enhance the streetscape", its shortfall of 32.67m² or 4.5% of site area compounded by the other non-compliances against the Planning Scheme, increasing its apparent bulk and impact on the locality.

6. As per section 51(n) of the *Planning Act*, it is believed that the development will result in an adverse impact on the amenity of surrounding premises and future tenants of the proposed development. Pursuant to section 51(n) of the *Planning Act*, the consent authority is required to consider 'the potential impact on the existing and future amenity in which the land is situated', and in this regard the impact of the numerous non-compliances make the development unsupportable, presenting a development that is not compatible with the site or its locality.

ACTION

Notice of Refusal.

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



PETER MCQUEEN
Chairman

30 /4/12