

DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 252 – FRIDAY 17 APRIL 2015

BROLGA ROOM
NOVOTEL DARWIN ATRIUM
100 THE ESPLANADE
DARWIN

MEMBERS PRESENT: Denis Burke (Chairman), Grant Tambling, Ross Baynes and Robin Knox

APOLOGIES: Garry Lambert and Bob Elix

OFFICERS PRESENT: Margaret Macintyre (Secretary), Adelle Godfrey, Sally Cunningham, and Stephanie Breuer (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nadia Smith (Item 3 only)

Meeting opened at 9.30 am and closed at 11.45 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 CARPORT ADDITION TO AN EXISTING SINGLE DWELLING WITH REDUCED
PA2015/0154 FRONT AND SIDE SETBACKS
LOT 2977 (8) RINDBERG STREET, TOWN OF NIGHTCLIFF
APPLICANT N.T. CONSULTING ENGINEERS

Mr Matthew Dunn (landowner) attended and tabled an amended site plan.

**RESOLVED
94/15**

That, the Development Consent Authority determined to grant a variation to the front setback requirements of Clause 7.3 (Building Setbacks of Residential Buildings) and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 2977 (8) Rindberg Street, Town of Nightcliff for the purpose of a carport addition to an existing single dwelling with reduced front and side setbacks, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the stormwater drainage system shall be submitted to and approved by the City of Darwin to the satisfaction of the consent authority.

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. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the City of Darwin to the satisfaction of the consent authority.

NOTES:

1. The applicant is advised to engage a building certifier, within the meaning of the *Building Act*, as to whether the building complies with the *Building Act* and associated Regulations.
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 Northern Territory Environment Protection Agency 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.

REASON FOR THE DECISION

1. The proposed development is consistent with the primary purpose of Zone SD (Single Dwelling Residential), which is “to provide for single dwellings on individual lots”. The development is ancillary to the existing single dwelling.
2. A variation to the requirements of Clause 7.3 is acceptable in this instance given the reduced setback is considered to achieve the objectives of the clause, and is unlikely to result in undue amenity to the broader locality. In particular, the variation to the setback requirements affects the corner portion of the carport only, with the majority of the built form being compliant. The angle of the carport to the front boundary assists in reducing the overall impact of the carport in terms of building massing when viewed from the streetscape.
3. The City of Darwin advises it is the sole authority responsible under the *Local Government Act* and associated by-laws for stormwater drainage and as such has requested details of the collection and discharge of stormwater for this proposal.

ACTION: Notice of Consent and Development Permit

ITEM 2
PA2015/0173
APPLICANT

PART CHANGE OF USE FROM OFFICE TO MEDICAL CLINIC
LOT 9328 & 9329 (17 & 13) SCATURCHIO STREET, TOWN OF NIGHTCLIFF
ELTON CONSULTING

Ms Valerie Conway (Elton Consulting), Ms Angelique Brett (THINC Project), Ms Karen Cook (Executive Manager Mental Health & Wellbeing at Anglicare) and Mr Michael Patrick (Anglicare) attended.

RESOLVED
95/15

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority determine to reduce the car parking requirements pursuant to Clause 6.5.2 (Reduction in Car Parking Requirements) of the NT Planning Scheme and consent to the application to develop Lots 9328 (17) & 9329 (13) Scaturchio Street, Town of Nightcliff for the purpose of a part change of use from office to medical clinic, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the commencement of works, a Waste Management Plan demonstrating waste disposal, storage and removal in accordance with the City of Darwin’s Waste Management Policy shall be submitted to and approved by the City of Darwin.

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. Storage of waste disposal bins is to be provided to the requirements of the City of Darwin to the satisfaction of the consent authority.
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. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities, and telecommunication networks to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
6. The use shall be limited to two consulting rooms used by medical practitioners, physiotherapists, dentists or persons ordinarily associated with health care, plus six counselling rooms used by psychiatrists, counsellors, mental health nurses, occupational therapists, social workers or psychologists.

NOTES:

1. This permit approves the use of the land for two) consulting rooms only used by medical practitioners, physiotherapists, dentists or persons ordinarily associated with health care. The limited number of consulting rooms factored significantly in the consideration of the development by the consent authority in the requirements of the *Planning Act* and Planning Scheme at the time of assessment, including in the reduction granted to the car parking requirements pursuant to Clause 6.5.2 (Reduction in Parking Requirements) of the Planning Scheme. Any changes to the medical clinic including changes to the number of clinic doctor (GP) consulting rooms will need to be considered on merit in assessment of the requirements of the applicable Planning Scheme at that time.
2. The applicant is advised to engage a building certifier, within the meaning of the *Building Act*, as to whether the building complies with the *Building Act* and associated Regulations.
3. Notwithstanding the approved plans, all signage is subject to City of Darwin approval, at no cost to City of Darwin.
4. The Department of Transport advises that Scaturchio Street is to be kept clear of all construction traffic, trade vehicles and trailers.
5. 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 application is consistent with the purpose of Zone C (Commercial) which is "to provide for a range of business and community uses". The development will provide an essential community service that is consistent with the other social and community service uses in the area.
2. A reduction in car parking pursuant to Clause 6.5.2 (Reduction in Parking Requirements) is considered appropriate in recognition of the specific nature of the medical clinic proposed, including consideration of the following matters:
 - the use of the facility is not comparable to that of a typical GP medical clinic and will not result in the same high rate of parking;
 - the age group of clients (12-24) typically have limited access to private vehicles;
 - clients are expected to access the facility at times outside of business hours when fewer cars are typically parked on the site; and
 - the location is close to public transport including the Casuarina Bus Interchange.

ACTION: Notice of Consent and Development Permit

ITEM 3 19 X 1, 20 X 2, 31 X 3 & 2 X 4 BEDROOM MULTIPLE DWELLINGS AND 55 X 2
PA2015/0145 **BEDROOM DUAL KEY SERVICED APARTMENTS IN A 20 STOREY BUILDING WITH GROUND LEVEL COMMERCIAL TENANCIES INCLUDING A BOTTLESHOP (WITH DRIVE THROUGH)**
APPLICANT **LOT 7619 (105) MITCHELL STREET, TOWN OF DARWIN**
JUNE D'ROZARIO & ASSOCIATES PTY LTD

Ms June D'Rozario (June D'Rozario & Associates) attended and tabled a response to issues raised during assessment.

Submitter Ms Jane attended.

RESOLVED That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent
96/15 Authority defer consideration of the application to develop Lot 7619 (105) Mitchell Street, Town of Darwin for the purpose of 19 x 1, 20 x 2, 31 x 3 & 2 x 4 bedroom multiple dwellings and 55 x 2 bedroom dual-key serviced apartments in a 20 storey building with ground level commercial tenancies including a bottle-shop (with drive through) 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. Additional information or amended plans that:
 - a. confirm a separation distance of 12m between towers on the same site;
 - b. clarify the extent of compliance with the required full length awning to the street frontage and any particular design issues that have resulted in the non-compliant design;
 - c. clarify whether the two ground level car parks directly adjacent to Daly Street will be screened and by what treatment(s);
 - d. provide written acknowledgement from the Power and Water Corporation that its service provision requirements can be achieved with a view to minimising their impact on the active street frontages achieved;
 - e. confirm which of the dwellings will be used for short-term accommodation (serviced apartments);
 - f. Clarify parking bay dimensions for standard and small car bays and confirm that the parking area will be sealed and drained as per clause 6.5.3 (Parking Layout);
 - g. Clarify intended dimensions of private open space areas for each dwelling and provide additional information to justify any remaining non-compliance;
 - h. Provide details of any sunshades/awnings over windows/balconies;
 - i. Confirm whether air conditioning plant equipment will be fully screened both from within the site but also from neighbouring or nearby developments (or developments reasonably anticipated);
 - j. Clarify the location of ground level staff/guest facilities (i.e. bathrooms);
 - k. Demonstrate further design development of access arrangements with the City of Darwin; and
 - l. Any other additional information or plan amendments necessary to satisfy the above.

REASON FOR THE DECISION

1. Pursuant to section 46(4)(b) of the NT *Planning Act*, the consent authority may defer consideration of an application to enable the applicant to provide additional information that the consent authority considers necessary. Additional information is considered necessary to enable proper consideration of the proposal and ensure any potential amenity impacts are addressed.

ACTION: Advice to Applicant

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


GRANT TAMBLING
Delegate

24/4/15