DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 189 – FRIDAY 18 MAY 2012

BROLGA ROOM
NOVOTEL DARWIN ATRIUM
100 THE ESPLANADE
DARWIN

MEMBERS PRESENT: Peter McQueen (Chairman), Heather Sjoberg, David Hibbert
Bob Elix and Grant Tambling

APOLOGIES: Nil

OFFICERS PRESENT: Danna Scoot (A/Secretary), Hanna Stevenson, Michael O’Neill and
Peter Sdraulig (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 9.30 am and closed at 10.45am
ITEM 1  SUBDIVISION AND CONSOLIDATION TO CREATE 3 LOTS
PA2012/0251  LOT 5988 & LOT 7433 (57) BAYVIEW BVD, TOWN OF DARWIN
APPLICANT  EARL JAMES AND ASSOCIATES

RESOLVED  That, pursuant to Section 46(4)(b) of the Planning Act, the Development Consent Authority defer consideration of the application to develop Lot 5988 & 7433 (57) Bayview Boulevard, Town of Darwin for the purpose of subdivision and consolidation to create 3 lots, 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:

GENERAL CONDITIONS

1. Provision of written confirmation from Road Network Division of the Department of Lands and Planning that it will allow access from Tiger Brennan Drive to any future disconnected extension of Bayview, or amended or provision of an amended proposal maintaining the existing road links.

2. Demonstration of adequate public open space within the overall Bayview Estate to cater for the existing residential development and the proposed lots, and/or identification of special circumstance for a variation of Part 2(f) of Clause 11.2.2 (Infrastructure and Community Services in Residential Subdivisions) of the NT Planning Scheme.

3. Provision of cross sections of proposed Lots A & C showing finished site levels (to AHD), the extent of embankments and rock walls, and demonstrating that all works are entirely within the current and/or proposed lot boundaries.

REASONS FOR THE DECISION

1. Additional information is required in respect to vehicle access given the preliminary advice from Department of Lands and Planning that future access to any extension of Bayview will not be permitted from Tiger Brennan Drive without internal links into existing the Bayview and therefore proposal has potential to prejudice the future development of the abutting Zone FD (Future Development) land.

2. The request for additional information demonstrating special circumstances for the area of non compliance with Part 2(f) of Clause 11.2.2 (Infrastructure and Community Services in Residential Subdivisions) of the NT Planning Scheme is necessary as, pursuant to Clause 2.5 (Exercise of Discretion by the Consent Authority), consent can only be given if the consent authority is satisfied that special circumstances justify the giving of consent.
3. Additional information in respect to cross sections is considered necessary to ensure the land is suitably filled to a height to enable development of the lots for their intended purposes, thereby avoiding risk and damage as a result of any storm surge event

ACTION: Advice to applicant / Defer.

**ITEM 2**  
**PA2012/0235**  
**APPLICANT** JUNE D’ROZARIO & ASSOCIATES PTY LTD

Applicant Ms June D’Rozario attended.

**RESOLVED**  
That, the Development Consent Authority determine to waive the car parking requirement pursuant to Clause 6.5.2 (Reduction in Parking Requirements) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application to develop Lot 5244 (1) Casino Drive, Town of Darwin for the purpose of additions to an existing casino (special events marquee), subject to the following conditions:

**CONDITION PRECEDENT**

1. Prior to the commencement of works (including site preparation) a schematic plan is to be provided, demonstrating that all stormwater can be collected on the site and discharged to the requirements of Darwin City Council. This plan is to include details of site levels and stormwater drain connection points within the vicinity of the site.

**GENERAL CONDITIONS**

2. The works carried out under this permit shall be in accordance with drawing numbers 2012/0235/1 through 2012/0235/8 endorsed as forming part of this permit.

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

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. Storage and collection for waste disposal bins is to be provided to the requirements of Darwin City Council 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 to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

2. The developer is required to contact ‘Dial Before You Dig’ on 1 100 to obtain a location of the Telstra Network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.

3. It is recommended that the permit holder obtain an Aboriginal Areas Protection Authority (AAPA) Authority Certificate to indemnify against prosecution under the Aboriginal Sacred Sites Act. For advice on how to obtain a certificate please contact the AAPA.

REASONS FOR THE DECISION

1. The proposal is consistent with the purpose of Zone TC (Tourist Commercial) which is to provide for uses or development servicing tourism including commercial and residential activities.

2. A waiver of the car parking requirements of Clause 6.5.1 (Parking Requirements) is supported as:
   
   • Approximately half the proposed marquee (leisure and recreation) is located within an area currently and legitimately used for leisure and recreation purposes; and
   • The approximately 50 car parking bays generated by extension of the leisure and recreation use is considered to be adequately catered for within the newly established car park on abutting Lot 7651, which a recent traffic and parking report demonstrates is significantly underutilised.

3. 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 have requested details of the collection and discharge of stormwater for this proposal.

ACTION: Notice of Consent and Development Permit.
ITEM 3
PA2012/0252
APPLICANT

4 X 3 BEDROOM MULTIPLE DWELLINGS IN 3 X 2 STOREY BUILDINGS
LOT 2004 (16) MARGARET STREET, TOWN OF DARWIN
ROSS TONKIN & ASSOCIATES PTY LTD

Applicant Mr Ross Tonkin attended.

RESOLVED

That the Development Consent Authority determine to vary the requirements of clause 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application to develop Lot 2004 (16) Margaret Street, Town of Darwin for the purpose of 4 x 3 bedroom multiple dwellings in 3 x 2 storey buildings, subject to the following conditions:

CONDITION 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 Council’s stormwater drainage system, to the requirements of the City of Darwin. This plan is to be to the satisfaction of the consent authority and is to be endorsed by this permit.

GENERAL CONDITIONS

2. Works carried out under this permit shall be in accordance the plans 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. 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 telecommunications services to the land shown on the endorsed plan in accordance with the authorities’ requirements.

5. 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.

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. 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, and to the satisfaction of the consent authority.

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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.
8. 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.

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, nor is any of the landscaping within the 6m driveway aisle extent to exceed 0.6m, ensuring that an appropriate level of visual connectivity through the carparking area.

10. 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.

11. 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.

12. 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 to ground level in a controlled manner to the satisfaction of the consent authority.

13. All balconies are to be internally drained and discharge is to be disposed of at ground level and in a manner consistent with stormwater disposal arrangements for the site to the satisfaction of the consent authority.

14. Storage for waste disposal bins is to be provided to the requirements of the City of Darwin, 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 the 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.
2. The Department of Natural Resources, Environment, The Arts and Sport (NRETAS) advises that construction work should be conducted in accordance with the NRETAS 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. The proposal to develop the site for the purpose of 4 x 3 bedroom multiple dwellings in 3 x 2 storey buildings is consistent with the primary purpose of Zone MD (Multiple Dwelling Residential), which is to “provide for a range of housing options to a maximum height of two storeys above ground level”, and that the development is considered to be of a “scale, character and architectural style that is compatible with the streetscape and surrounding development”.

2. A variation to subclause 3(i) of clause 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme is supported as the carparking area satisfies the purpose of clause 6.5.3, providing an area that is “appropriately designed, constructed and maintained for its intended purpose”. The carparking area has a low volume of traffic only, and provides a good level of visibility and sufficient manoeuvring space for the area to function. The driveway design is a response to the irregular shape of the allotment, which is considered to be a special circumstance as per clause 2.5 (Exercise of Discretion by the Consent Authority) of the Northern Territory Planning Scheme, forcing a non-linear building layout, thereby hampering the ability to provide a constant 6m aisle width.

3. A schematic stormwater plan is required in order for the development to demonstrate that it is technically feasible to collect stormwater on the site and dispose of it into Council’s stormwater drainage system, and to ensure that no stormwater will sheet-flow into the road reserve or onto adjoining properties.

4. The proposed development is largely compliant with the relevant controls, is appropriate for the site and locality, and is not considered to result in any detrimental amenity impact on the surrounding area. Consideration has been given to the streetscape and existing developments in the locality.

**ACTION:** Notice of Consent and Development Permit.
DEMULTABLE STRUCTURE WITH A REDUCED SIDE SETBACK
LOT 5875 (6) COBURG DRIVE, TOWN OF SANDERSON
APPLICANT HEINER STRUCTURAL ENGINEERING CONSULTANTS PTY LTD

Applicant Ms Annette Joseland (Heiner Structural Engineering Consultants Pty Ltd) attended.

Mr Todd Sparrow (land owner) attended.

RESOLVED
That, the Development Consent Authority vary the requirements of Clause 6.8 (Demountable Structures) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act, consent to the application to develop Lot 5875 (6) Coburg Drive, Town of Sanderson for the purpose of a temporary demountable structure with a reduced side setback to be used for storage of goods associated with a home occupation, subject to the following conditions:

GENERAL CONDITIONS

1. Works carried out under this permit shall be in accordance with drawing number 2011/0946/01, endorsed as forming part of this permit.

2. 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 to the satisfaction of the consent authority.

3. Any development 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. Before the use 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.

5. 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.

6. The demountable structure is to be removed four years from the date of issue of this permit.

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. 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 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. The demountable structure is generally consistent with the purpose of Clause 6.8 (Demountable Structures) of the Northern Territory Planning Scheme. Whilst the proposed landscaping and existing screen fence would be unlikely to enhance the appearance of the structure, it is considered that it would partially obscure and soften its appearance from the street in a manner consistent with the purpose of the clause. Architectural embellishments are not considered necessary as the structure is a colour which blends with the existing dwelling and surrounding development.

2. A variation to Clause 6.8 (Demountable Structures) for the purpose of a reduced side setback is supported as the structure would be unlikely to have an undue visual impact upon the amenity of neighbouring Lot 5874 due to it being similar in length and colour to the side of the existing dwelling on the subject lot.

3. City of Darwin advises it is the sole authority responsible under the Local Government Act and associated by-laws for stormwater drainage and waste management and as such has requested details of the collection and discharge of stormwater run-off and waste management.

ACTION: Notice of Consent and Development Consent.

<table>
<thead>
<tr>
<th>ITEM 5</th>
<th>CHANGE OF USE FROM WAREHOUSE TO OFFICE (TENANCIES 1 - 4)</th>
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<tbody>
<tr>
<td>PA2012/0220</td>
<td>LOT 6616 (9) SWAN CRESCENT, TOWN OF DARWIN</td>
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<tr>
<td>APPLICANT</td>
<td>R &amp; E SUPER PTY LTD</td>
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Applicant Mr Raymond Sweenen and Ms Eve Ackernamm (R & E Super Pty Ltd) attended.

RESOLVED That, pursuant to section 53(a) of the Planning Act, the Development Consent Authority consent to the application to develop Lot 6616 (9) Swan Crescent, Town of Darwin for the purpose of a change of use from warehouse to office (tenancies 1 to 4) and changes to the first floor layout, subject to the following conditions.
GENERAL CONDITIONS

1. Works carried out under this permit shall be in accordance with drawing numbers 2012/0220/01 through to 2012/0220/03, endorsed as forming part of this permit.

2. Prior to commencement of use, a waste management plan addressing City of Darwin’s Waste Management Policy 054 must be prepared to the requirements of the City of Darwin and to the satisfaction of the consent authority.

3. Any development 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, 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. 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.

6. 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.

NOTE:

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 upgradng of on-site and/or surrounding infrastructure.

REASONS FOR THE DECISION

1. The change of use from warehouse to office (tenancies 1 to 4) is consistent with the purpose of Zone GI (General Industry) as there is potential demand for office space in this area for industry related businesses. The existing and proposed office tenancies vary in size from 66m² to 135m², which are considered to be of a reasonable size to accommodate industry related businesses.

2. The change of use to facilitate the primary (and only) use of the site for office purposes is considered a commercial use of the site and consistent with subclause 6.14(7) and the purpose of clause 6.14 (Land Subject to Flooding and Storm Surge).
3. City of Darwin advises it is the sole authority responsible under the *Local Government Act* and associated by-laws for waste management and as such has requested details of waste storage and removal.

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

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

__PETER MCQUEEN__
Chairman

4/12

23/5/12