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## DARWIN CITY COUNCIL

OPEN MINUTES OF THE TOWN PLANNING COMMITTEE TO BE HELD IN COUNCIL CHAMBERS, CIVIC CENTRE, HARRY CHAN AVENUE, DARWIN ON TUESDAY, 6 DECEMBER 2011, COMMENCING AT 4.04 P.M.

PRESENT: Member H I Galton (Chairman); The Right Worshipful, Lord Mayor, Mr G R Sawyer; Member R K Elix; Member R M Knox; Member G A Lambert; Member R Lesley; Member F P Marrone; Member A R Mitchell; Member H D Sjoberg; Member J L Sangster (arrived at 4.55pm).

OFFICERS: Chief Executive Officer, Mr B Dowd; General Manager Infrastructure, Mr L Cercarelli; Manager Design, Planning & Projects, Mr D Lelekis; Strategic Town Planner, Miss C Robson; Graduate Town Planner, Mr J Sheridan; Executive Officer, Miss A Smit.

APOLOGY: Member J D Bailey; Member R T Dee; Member K M Moir.

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### \*\*\* I N D E X \*\*\*

- 1 MEETING DECLARED OPEN
- 2 APOLOGIES AND LEAVE OF ABSENCE
- 3 ELECTED MEMBERS CONFLICT OF INTEREST DECLARATION
- 4 CONFIDENTIAL ITEMS
- 5 WITHDRAWAL OF ITEMS FOR DISCUSSION
- 6 CONFIRMATION OF MINUTES PERTAINING TO THE PREVIOUS TOWN PLANNING COMMITTEE MEETING
  - Tuesday, 6 September 2011
- 7 BUSINESS ARISING FROM THE MINUTES PERTAINING TO THE PREVIOUS TOWN PLANNING COMMITTEE MEETING
  - 7.1 Business Arising



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### 8 DEVELOPMENT APPLICATIONS

### 9 GENERAL TOWN PLANNING REPORTS

### 10 OFFICERS REPORTS

- 10.1 Development Application – Parcel: Lot 7714 (37) Henbury Avenue Town of Nightcliff – Proposal: Staged Supporting Accommodation Development with Associated Medical and Administration Services, in 7 New Single Storey Buildings
- 10.2 Variation to liquor licence - Café Uno Lot 6587 (69) Mitchell Street, Town of Darwin
- 10.3 On Liquor Licence Application viva La Vida Wine and Tapas Bar Lots 2356 & 2357 (48 & 50) The Mall - Town of Darwin
- 10.4 Proposal to Amend The NT Planning Scheme PA2011/0728 - Parcel: Lots 3564 and 3565 (31 and 33) Moil Crescent Town of Nightcliff - Proposal: Rezone From SD (single dwelling) to SU (specific use).
- 10.4 Proposal to Amend the NT Planning Scheme PA2011/0728 - Parcel: Lots 3564 and 3565 (31 & 33) Moil Crescent Town of Nightcliff - Proposal: Rezone from SD (Single Dwelling) to Su (Specific Use)
- 10.5 Amendment to the NT Planning Scheme with Respect to Clause 6.17 - Dredging within Darwin Harbour
- 10.6 Amendment to the NT Planning Scheme with Respect to Clause 7.10.1 Bed and Breakfast Accommodation.

### 11 INFORMATION ITEMS

- 11.1 Minutes of the Development Consent Authority Meeting – Friday, 21 October 2011 & Friday, 4 November 2011
- 11.2 Various Letters sent to Development Assessment Services under Delegated Authority

### 12 GENERAL BUSINESS

- 12.1 Community Provision, Muirhead



Town Planning Committee Meeting – Tuesday, 6 December 2011

**1 MEETING DECLARED OPEN**

The Chairman declared the meeting open at 4.04 p.m.

**2 APOLOGIES AND LEAVE OF ABSENCE**

**2.1 Apologies**

Nil

**2.2 Leave of Absence Granted**

(Lambert/Sjoberg)

COMMITTEE'S DECISION

THAT the Committee resolve under delegated authority:-

- A. THAT it be noted that Member J D Bailey is an apology due to a Leave of Absence being previously granted on 24 October 2011 for the period 4 December 2011 to 14 December 2011.
- B. THAT it be noted that Member K M Moir is an apology due to a Leave of Absence being previously granted on 15 November 2011 for the period 6 December 2011 to 9 December 2011.
- C. THAT it be noted that Member R T Dee is an apology due to a Leave of Absence being previously granted on 29 November 2011 for the period 3 December 2011 to 8 December 2011.

DECISION NO.20\4682

(06/12/11)

Carried

**3 ELECTED MEMBERS CONFLICT OF INTEREST DECLARATION**

Nil

**4 CONFIDENTIAL ITEMS**

Nil



Town Planning Committee Meeting – Tuesday, 6 December 2011

**5 WITHDRAWAL OF ITEMS FOR DISCUSSION**

**5.1 Items Withdrawn by Staff**

Nil

**5.2 Items Withdrawn by Members**

(Lambert/Knox)

COMMITTEE'S DECISION

THAT the Committee resolve under delegated authority that Information Items and Officers Reports to the Town Planning Committee Meeting held Tuesday, 6 December 2011, be received be received and considered individually.

DECISION NO.20\4683 (06/12/11) Carried

**6 CONFIRMATION OF MINUTES PERTAINING TO THE PREVIOUS TOWN PLANNING COMMITTEE MEETING**

(Marrone/Mitchell)

COMMITTEE'S DECISION

THAT the Committee resolve that the minutes of the previous Town Planning Committee Meeting held on Tuesday, 6 September 2011, tabled by the Chairman, be confirmed.

DECISION NO.20\4684 (06/12/11) Carried

**7 BUSINESS ARISING FROM THE MINUTES PERTAINING TO THE PREVIOUS TOWN PLANNING COMMITTEE MEETING**

**7.1 Business Arising**

Nil



Town Planning Committee Meeting – Tuesday, 6 December 2011

**8 DEVELOPMENT APPLICATIONS**

Nil

**9 GENERAL TOWN PLANNING REPORTS**

Nil

**10 OFFICERS REPORTS**

**10.1 Development Application – Parcel: Lot 7714 (37) Henbury Avenue Town of Nightcliff – Proposal: Staged Supporting Accommodation Development with Associated Medical and Administration Services, in 7 New Single Storey Buildings**

Report No. 11TS0183 JS:fh (14/11/11) Common No. 2120380

(Lambert/Marrone)

COMMITTEE'S DECISION

THAT the Committee resolve under delegated authority:-

- A. THAT Report Number 11TS0183 JS:fh entitled, Development Application for Lot 7714 (37) Henbury Avenue Town of Nightcliff for a Staged Supporting Accommodation Development With Associated Medical and Administration Services, in 7 New Single Storey Buildings, be received and noted.
- B. THAT the letter to the Development Consent Authority in **Attachment B** to Report Number 11TS0183 JS:fh, be endorsed.

DECISION NO.20\4685

(06/12/11)

Carried

ACTION: T/PLANNER

NOTE: GM INFRAST



Town Planning Committee Meeting – Tuesday, 6 December 2011

## 10 OFFICERS REPORTS

### 10.2 Variation to liquor licence - Café Uno Lot 6587 (69) Mitchell Street, Town of Darwin

Report No. 11TS0199 BS:fh (17/11/11) Common No. 2135551

(Lambert/Knox)

COMMITTEE'S DECISION

THAT the Committee resolve under delegated authority:-

- A. THAT Report Number 11TS0199 BS:fh entitled, Variation to Liquor Licence – Café Uno for Lot 6587 Unit 4 (69) Mitchell Street Town of Darwin, be received and noted.
- B. THAT Council endorse the following comments to be forwarded to the Director of Licensing, Racing, Gaming and Licensing:
  - i). Council raises no objection to the proposal under Section 47F(2) of the Liquor Act.
  - ii). Council has no comments in relation to the proposal taking into account the Objects of the Liquor Act as defined in Section 3 and 6 of the Liquor Act.
- C. THAT Council requests the following conditions be placed on the licence in relation to the Alfresco Dining Area, which is located on Council owned land:
  - a). Patrons shall consume alcohol only whilst seated at a table. Bar stools and raised tables will not be approved.
  - b). The area shall at all times have the appearance of and trade predominantly as a dining area.
  - c). Noise levels shall be limited to a level that would not cause unreasonable disturbance.
  - d). The alfresco area is to be occupied in accordance with Council's Policy 011, Outdoor Dining.

DECISION NO.20\4686

(06/12/11)

Carried

ACTION: T/PLANNER  
NOTE: GM INFRAST



Town Planning Committee Meeting – Tuesday, 6 December 2011

## 10 OFFICERS REPORTS

### 10.3 On Liquor Licence Application viva La Vida Wine and Tapas Bar Lots 2356 & 2357 (48 & 50) The Mall - Town of Darwin

Report No. 11TS0203 BS:fh (15/11/11) Common No. 2066757

(Lambert/Mitchell)

COMMITTEE'S DECISION

THAT the Committee resolve under delegated authority:-

- A. THAT Report Number 11TS0203 BS:fh entitled, On Liquor Licence Application for Viva La Vida Wine and Tapas Bar, Lots 2356 & 2357 (48 & 50) The Mall, Town of Darwin, be received and noted.
- B. THAT Council endorse the following comments to be forwarded to the Director of Licensing, Racing, Gaming and Licensing:
- i). Council raises no objection to the proposal under Section 47F(2) of the Liquor Act.
  - ii). Council has the following comments in relation to the proposal taking into account the Objects of the Liquor Act as defined in Sections 3 & 6 of the Liquor Act:
    - a) Any licence granted should not include any public footpath which does not form part of the applicants Alfresco Dining Area.
    - b) It has been noted that planning approval has not been obtained from the Development Consent Authority to carry out the proposed use on Lot 2358, (52) The Mall, Raintree Park.
  - iii). Council requests the following conditions be placed on the licence in relation to the Alfresco Dining Area, which is located on Council owned land:
    - a) Patrons shall consume alcohol only whilst seated at a table. Bar stools and raised tables will not be approved.
    - b) The area shall at all times have the appearance of and trade predominantly as a dining area.
    - c) Noise levels shall be limited to a level that would not cause unreasonable disturbance.
    - d) The alfresco area is to be occupied in accordance with Council's Policy 011, Outdoor Dining.
- C. THAT staff be requested to clarify with the applicant the arrangements that relate to people who wish to smoke at the venue.

DECISION NO.20\4687

(06/12/11)

Carried

ACTION: T/PLANNER

NOTE: GM INFRAST



Town Planning Committee Meeting – Tuesday, 6 December 2011

**10 OFFICERS REPORTS**

**10.4 Proposal to Amend the NT Planning Scheme PA2011/0728 - Parcel: Lots 3564 and 3565 (31 & 33) Moil Crescent Town of Nightcliff - Proposal: Rezone from SD (Single Dwelling) to Su (Specific Use)**

Report No. 11TS0201 JS:fh (02/11/11) Common No. 2121521

(Lambert/Marrone)

COMMITTEE'S DECISION

THAT the Committee resolve under delegated authority:-

- A. THAT Report Number 11TS0201 JS:fh entitled, Proposal to Amend the NT Planning Scheme PA2011/0728 for Lots 3564 and 3565 (31 and 33) Moil Crescent Town of Nightcliff to Rezone from SD to SU (Specific Use), be received and noted.
- B. THAT the letter to the Reporting Body in **Attachment B** to Report Number 11TS0201 JS:fh, be endorsed.

DECISION NO.20\4688

(06/12/11)

Carried

ACTION: T/PLANNER

NOTE: GM INFRAST

**10.5 Amendment to The NT Planning Scheme with Respect to Clause 6.17 - Dredging within Darwin Harbour **10.6 Amendment to the NT Planning Scheme with Respect to Clause 7.10.1 Bed and Breakfast Accommodation.****

Report No. 11TS0204 JS:fh (03/11/11) Common No. 2125727

(Lesley/Knox)

COMMITTEE'S DECISION

THAT the Committee resolve under delegated authority:-

- A. THAT Report Number 11TS0204 JS:fh entitled, Amendment to the NT Planning Scheme with Respect to Clause 6.17 for Dredging Within Darwin Harbour, be received and noted.
- B. THAT the letter to the Reporting Body in **Attachment B** to Report Number 11TS0204 JS:fh, be endorsed.

DECISION NO.20\4689

(06/12/11)

Carried

ACTION: T/PLANNER

NOTE: GM INFRAST



Town Planning Committee Meeting – Tuesday, 6 December 2011

**10 OFFICERS REPORTS**

**10.6 Amendment to the NT Planning Scheme with Respect to Clause 7.10.1 Bed and Breakfast Accommodation.**

Report No. 11TS0205 JS:fh (03/11/11) Common No. 2125788

(Marrone/Lord Mayor)

COMMITTEE'S DECISION

THAT the Committee resolve under delegated authority:-

- A. THAT Report Number 11TS0205 JS:fh entitled Amendment to the NT Planning Scheme with Respect to Clause 7.10.1 Bed and Breakfast Accommodation, be received and noted.
- B. THAT the letter to the Reporting Body in **Attachment B** to Report Number 11TS0205 JS:fh, be endorsed with amendments relating to the lack of appeal process following self assessment approval and the application as a Territory wide amendment which does not sufficiently recognise issues that may relate to municipalities and issues in the area surrounding the subject site.

DECISION NO.20\4690

(06/12/11)

Carried

ACTION: T/PLANNER  
NOTE: GM INFRAST

**11 INFORMATION ITEMS**

**11.1 Minutes of the Development Consent Authority Meeting – 21 October, 2011 & 4 November 2011**

Document No. 2140244 (21/10/11) Common No. 1863114  
Document No. 2140244 (04/11/11) Common No. 1863114

(Lambert/Marrone)

COMMITTEE'S DECISION

THAT the Committee resolve under delegated authority that the Minutes of the Development Consent Authority Meeting held on:

- Friday, 21 October 2011, and
- Friday, 4 November 2011, be received and noted.

DECISION NO.20\4691

(06/12/11)

Carried

ACTION: T/PLANNER  
NOTE: GM INFRAST



Town Planning Committee Meeting – Tuesday, 6 December 2011

## 11 INFORMATION ITEMS

### 11.2 Various Letters sent to Development Assessment Services under Delegated Authority

Common No. 1962248

(Lesley/Sangster)

#### COMMITTEE'S DECISION

THAT the Committee resolve under delegated authority that the following letters sent to Development Assessment Services, be received and noted:-

- i) Lot 0747 (36) Cummins Street Town of Nightcliff. Proposed Development: Carport addition to an existing single dwelling with a reduced side setback – Common Number 2128292SG:fh dated 21 November 2011.
- ii) Lot 2017 (6) Queen Street Town of Darwin. Proposed Development: 12x2 bedroom multiple dwellings in a 4 storey building plus basement car parking – Common Number 1997327JS:fh dated 11 November 2011.
- iii) Portion 2464 (28) Lakes Crescent Hundred of Bagot. Proposed Development: Extension to an existing single dwelling with a reduced side setback – Common Number 2129577BS:fh dated 25 November 2011.
- iv) Lot 3101 (8) Blesser Street Town of Darwin. Proposed Development: Shed addition to an existing single dwelling with a reduced side setback – Common Number 2131776 dated 25 November 2011.
- v) Lot 3106 (3) Crush Street Town of Darwin. Proposed Development: Dependant Unit – Common Number 2137473 dated 2 December 2011.
- vi) Section 3916 Hidden Valley Road Hundred of Bagot. Proposed Development: Notification of proposed Telecommunications Facility at an existing site without development application for the purposed of removal of three (3) new panel antennas attached to the existing monopole at height of 31.87 metres to the centerline of the antennas – Common Number 2131695 dated 18 November 2011.
- vii) Section 4356 College Road Town of Bagot. Proposed Development: Issuance of Occupational Licence to Mousellis & Sons – Common Number 2124918BS:fh dated 16 November 2011.
- viii) Lot 4687 (38) Gothenburg Crescent Town of Darwin. Proposed Development: 11x2 bedroom units in a 4 storey building with ground level car parking – Common Number 2090196SG:fh dated 18 November 2011.
- ix) Section 5729 Henry Wrigley Drive Hundred of Bagot. Proposed Development: Notification of proposed telecommunications facility at an existing site without development application for the purpose of removal of three (3) new panel antennas and the installation of three (3) new panel antennas attached to the existing water tower at a height of 40.00 metres to the centerline of the antennas – Common Number 2131695 BS:fh dated 18 November 2011.

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Town Planning Committee Meeting – Tuesday, 6 December 2011

## 11 INFORMATION ITEMS

### 11.2 Various Letters sent to Development Assessment Services under Delegated Authority

Common No. 1962248

*(...Continued from previous page)*

- x) Lot 6635 Tambling Terrace Town of Nightcliff. Proposed Development: Carport addition to an existing single dwelling with reduced front and side setbacks – Common Number 2126254 JS:fh dated 18 November 2011.
- xi) Lot 7733 (18) Duke Street Town of Darwin. Proposed Development: 2 storey single dwelling exceeding 8.5m in height – Common Number 2126251BS:fh dated 18 November 2011.
- xii) Lot 8033 (25) Parap Road Town of Darwin. Proposed Development: Change of use from office to a medical clinic (units 6 & 7) – Common Number 2131730BS:fh dated 2 December 2011.
- xiii) Lot 9129 (1) Cartwright Court Town of Nightcliff. Proposed Development: Verandah addition to an existing multiple dwelling (unit 12) with a reduced side setback – Common Number 2137474JS:fh dated 2 December 2011.
- xiv) Lot 9129 Cartwright Court Town of Nightcliff. Proposed Development: Verandah addition to an existing multiple dwelling (unit 13) with a reduced side setback – Common Number 2137475JS:fh dated 2 December 2011.
- xv) Lot 9276 (13) Harris Street Town of Nightcliff. Proposed Development: Carport, shed and verandah additions to an existing multiple dwelling (unit 1) – Common Number 2131135BS:fh dated 25 November 2011.
- xvi) Lot 10490 (11) Vanderlin Drive Town of Nightcliff. Proposed Development: Change of used of one tenancy (on level 1) from shop to medical clinic – Common Number 2119926JS:fh dated 11 November 2011.

DECISION NO.20\4692

(06/12/11)

Carried

ACTION: T/PLANNER  
NOTE: GM INFRAST



Town Planning Committee Meeting – Tuesday, 6 December 2011

**12 GENERAL BUSINESS**

**12.1 Community Provision, Muirhead**  
Common No. 1892517

(Elix/Lesley)

COMMITTEE'S DECISION

THAT the Committee resolve under delegated authority that:

Member Elix raised his concern for the lack of community provision for sites in Muirhead.

THAT the General Manger Infrastructure, Mr L Cercarelli advise Council that Council had previously provided comments to the DCA and the Minister for Lands and Planning in relation to this matter however, he took the question on notice and will provide further clarification.

DECISION NO.20\4693

(06/12/11)

Carried

ACTION: T/PLANNER  
NOTE: GM INFRAST



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Town Planning Committee Meeting – Tuesday, 6 December 2011

The meeting closed at 5.15 pm

MEMBER H I GALTON  
(CHAIRMAN) - TOWN PLANNING  
COMMITTEE MEETING -  
TUESDAY, 6 DECEMBER 2011

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**Confirmed on:** *Tuesday, 7 February 2012*

**Chairman:** \_\_\_\_\_

