

DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 134 – FRIDAY 9 OCTOBER 2009

**BATHURST CONFERENCE ROOM
MANTRA ON THE ESPLANADE
88 THE ESPLANADE
DARWIN**

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

APOLOGIES: Nil

OFFICERS PRESENT: Ann Marie Dooley (A/Secretary), Douglas Lesh, Peter Sdraulig and Bree Potter (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 9:00am and closed at 11.30am

DARWIN DCA MEETING – FRIDAY 9 OCTOBER 2009

The Minutes of the 133rd DCA meeting held on Friday 18 September 2009 were ratified as an accurate representation of the proceedings on 23 September 2009.

The Minutes of the 59th Reporting Body Hearing held on Friday 18 September 2009 were ratified as an accurate representation of the proceedings on 23 September 2009.

BUSINESS ARISING FROM MINUTES

Nil

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.
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ITEM 2	INFORMATION ITEM ENFORCEMENT
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PA2009/1169	Investigation – Alleged use of the property for the operation of Yellow Rose Cleaning and Garden Service Lot 6792 (13) Mazlin Street, Town of Nightcliff
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RESOLVED 243/09	That the Authority request that DAS continue to monitor the site for compliance.
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PA2008/0284	Investigation – Alleged use of the property for the operation of ‘white bins’ skip bins from the site Lot 3256 (76) Rothdale Road, Town of Nightcliff
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RESOLVED 244/09	That the Authority agree that no further action is required at this stage.
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PA2008/0284	Investigation – Alleged construction of a structure within the side setback without consent Lot 2509 (10) Knight Street, Town of Darwin
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DAS tabled legal advice from the Department of Justice.

RESOLVED 245/09	That the Authority request that DAS further investigate the site and report back to the Authority at the next meeting.
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DARWIN DCA MEETING – FRIDAY 9 OCTOBER 2009

- PA2003/0862** Investigation – Alleged home occupation contravening clause 7.10.7 of the NT Planning Scheme
Lot 5406 (49) Copeland Crescent, Town of Nightcliff
- RESOLVED 246/09** That the Authority request that DAS continue to monitor the property.
- PA2008/0697** Investigation – Alleged fill being placed on the property
Lot 9476 (22) Orchard Road, Town of Nightcliff
- RESOLVED 247/09** That the Authority request that DAS continue to work with NRETAS and the complainant to ensure that both parties are satisfied with the current state of the site.
- PA2007/1009** Investigation – Possible breach of NT Planning Scheme – Zone CP (Community Purpose) being used for private rental
Section 5874 (69) Boulter Road, Hundred of Bagot
- RESOLVED 248/09** That the Authority request that DAS continue monitoring the site to ensure compliance with clause 5.21 – Zone CP (Community Purpose).
- PA2007/1004** Investigation – Alleged erection of a light tower over 8.5 meters in height without consent and coastal fill without consent
Lot 6574 (32) Doctors Gully, Town of Darwin
- DAS tabled a letter from the Department of Justice recommending mediation.
- RESOLVED 249/09** That the Authority requests that DAS follow up on arrangements for the mediation process.
- ITEM 3** **INFORMATION ITEM**
DELEGATED APPROVAL LISTING
- RESOLVED 250/09** That the Authority noted the information.
- ITEM 4** **INFORMATION ITEM**
PROPOSED DELEGATIONS
- DAS tabled an amended copy of Item 4.

DARWIN DCA MEETING – FRIDAY 9 OCTOBER 2009

**PA2009/1248 CHANGE USE FROM OFFICE TO MEDICAL CLINIC
LOT 5431 (1) BUFFALO COURT, TOWN OF DARWIN**

APPLICANT BELL GABBERT ASSOCIATES

DAS tabled the file and addressed the Authority on the development application.

**RESOLVED
251/09**

That pursuant to section 86 of the *Planning Act*, the Authority delegates to the Chairman, or in the Chairman's absence any one of the other members of the Darwin Division the power under section 53 of the Act to determine the application to develop Lot 5431 (1) Buffalo Court, Town of Darwin for the purpose of a change use from office to medical clinic including with respect to granting any variations to the relevant requirements of the NT planning scheme subject to:

- No public submissions being made under section 49 of the *Planning Act*;
- All matters raised by service authorities being suitably addressed by either amended plans or appropriate conditions on a development permit.

ACTION: If delegation exercised Notice of Consent and Development Permit

**PA2009/1282 ADDITION OF A VERANDAH TO AN EXISTING MULTIPLE DWELLING (UNIT 2)
LOT 9633 (8) SOVEREIGN CIRCUIT, TOWN OF NIGHTCLIFF**

APPLICANT PATIO WORLD NT

DAS tabled the file and addressed the Authority on the development application.

**RESOLVED
252/09**

That pursuant to section 86 of the *Planning Act*, the Authority delegates to the Chairman, or in the Chairman's absence any one of the other members of the Darwin Division the power under section 53 of the Act to determine the application to develop Lot 9633 (8) Sovereign Circuit, Town of Nightcliff for the purpose of addition of a verandah to an existing multiple dwelling (unit 2) Including with respect to granting any variations to the relevant requirements of the NT planning scheme subject to:

- No public submissions being made under section 49 of the *Planning Act*;
- All matters raised by service authorities being suitably addressed by either amended plans or appropriate conditions on a development permit.

ACTION: If delegation exercised Notice of Consent and Development Permit

DARWIN DCA MEETING – FRIDAY 9 OCTOBER 2009

**PA2009/1279 4 X 3 BEDROOM MULTIPLE DWELLINGS IN A 2 STOREY BUILDING
LOT 1129 (17) GARDENS HILL CRESCENT, TOWN OF DARWIN**

APPLICANT MR JEFFREY WILLIAM DENNIS BLAKE

DAS tabled the file and addressed the Authority on the development application.

**RESOLVED
253/09**

That pursuant to section 86 of the *Planning Act*, the Authority delegates to the Chairman, or in the Chairman's absence any one of the other members of the Darwin Division the power under section 53 of the Act to determine the application to develop Lot 1129 (17) Gardens Hill Crescent, Town of Darwin for the purpose of 4 x 3 bedroom multiple dwellings in a 2 storey building including with respect to granting any variations to the relevant requirements of the NT planning scheme subject to:

- No public submissions being made under section 49 of the *Planning Act*;
- All matters raised by service authorities being suitably addressed by either amended plans or appropriate conditions on a development permit.

ACTION: If delegation exercised Notice of Consent and Development Permit

**PA2009/1294 SPORTS EDUCATION FACILITY, MULTI PURPOSE HALL AND MEDICAL CLINIC
LOT 9260 (77) LAKESIDE DRIVE, TOWN OF NIGHTCLIFF**

APPLICANT CHARLES DARWIN UNIVERSITY

DAS tabled the file and addressed the Authority on the development application.

**RESOLVED
254/09**

That pursuant to section 86 of the *Planning Act*, the Authority delegates to the Chairman, or in the Chairman's absence any one of the other members of the Darwin Division the power under section 53 of the Act to determine the application to develop Lot 9260 (77) Lakeside Drive, Town Of Nightcliff for the purpose of a sports education facility, multi purpose hall and medical clinic including with respect to granting any variations to the relevant requirements of the NT planning scheme subject to:

- No public submissions being made under section 49 of the *Planning Act*;
- All matters raised by service authorities being suitably addressed by either amended plans or appropriate conditions on a development permit.

ACTION: If delegation exercised Notice of Consent and Development Permit

DARWIN DCA MEETING – FRIDAY 9 OCTOBER 2009

PA2009/1302 **CARPORT ADDITION TO AN EXISTING MULTIPLE DWELLING WITH A REDUCED SIDE SETBACK (UNIT 2)**
LOT 2528 (5) MARGARET STREET, TOWN OF DARWIN

APPLICANT **NOW RENOVATIONS**

DAS tabled the file and addressed the Authority on the development application.

RESOLVED That pursuant to section 86 of the *Planning Act*, the Authority delegates to the
255/09 Chairman, or in the Chairman's absence any one of the other members of the Darwin Division the power under section 53 of the Act to determine the application to develop Lot 2528 (5) Margaret Street, Town of Darwin for the purpose of a carport addition to an existing multiple dwelling with a reduced side setback (unit 2) including with respect to granting any variations to the relevant requirements of the NT planning scheme subject to:

- No public submissions being made under section 49 of the *Planning Act*;
- All matters raised by service authorities being suitably addressed by either amended plans or appropriate conditions on a development permit.

ACTION: If delegation exercised Notice of Consent and Development Permit

PA2009/1287 **2 X 3 BEDROOM MULTIPLE DWELLINGS IN A 2 STOREY BUILDING**
LOT 10305 (7) GUMIMBA CRESCENT, TOWN OF NIGHTCLIFF

APPLICANT **KOSTAS TRIKILIS**

DAS tabled the file and addressed the Authority on the development application.

RESOLVED That pursuant to section 86 of the *Planning Act*, the Authority delegates to the
256/09 Chairman, or in the Chairman's absence any one of the other members of the Darwin Division the power under section 53 of the Act to determine the application to develop Lot 10305 (7) Gumimba Crescent, Town of Nightcliff for the purpose of a 2 x 3 bedroom multiple dwellings in a 2 storey building including with respect to granting any variations to the relevant requirements of the NT planning scheme subject to:

- No public submissions being made under section 49 of the *Planning Act*;
- All matters raised by service authorities being suitably addressed by either amended plans or appropriate conditions on a development permit.

ACTION: If delegation exercised Notice of Consent and Development Permit

DARWIN DCA MEETING – FRIDAY 9 OCTOBER 2009

**PA95/0134 EXTENSION OF ABANDONMENT PERIOD
LOT 5592 (9) MIRAMBEENA STREET, TOWN OF DARWIN**

APPLICANT DEPARTMENT OF HEALTH AND FAMILIES

DAS tabled the file and addressed the Authority on the development application.

**RESOLVED
257/09**

That pursuant to section 86 of the *Planning Act*, the Authority delegates to the Chairman, or in the Chairman's absence any one of the other members of the Darwin Division the power under section 53 of the Act to determine the application to develop Lot 5592 (9) Mirambeena Street, Town of Darwin for the purpose of an extension of abandonment period including with respect to granting any variations to the relevant requirements of the NT planning scheme subject to:

- No public submissions being made under section 49 of the Planning Act;
- All matters raised by service authorities being suitably addressed by either amended plans or appropriate conditions on a development permit.

ACTION: If delegation exercised Notice of Consent and Development Permit

**PA2009/1428 SUBDIVISION TO CREATE 2 LOTS (UNITS)
LOT 6848 (22) HARRY CHAN AVENUE, TOWN OF DARWIN**

APPLICANT LIVERIS CIVITAS JOINT VENTURE

DAS tabled the file and addressed the Authority on the development application.

**RESOLVED
258/09**

That pursuant to section 86 of the *Planning Act*, the Authority delegates to the Chairman, or in the Chairman's absence any one of the other members of the Darwin Division the power under section 53 of the Act to determine the application to develop Lot 6848 (22) Harry Chan Avenue, Town Of Darwin for the purpose of a subdivision to create 2 lots (units) including with respect to granting any variations to the relevant requirements of the NT planning scheme subject to:

- No public submissions being made under section 49 of the Planning Act;
- All matters raised by service authorities being suitably addressed by either amended plans or appropriate conditions on a development permit.

ACTION: If delegation exercised Notice of Consent and Development Permit

DARWIN DCA MEETING – FRIDAY 9 OCTOBER 2009

**PA2009/1445 SUBDIVISION TO CREATE 2 LOTS (UNITS)
LOT 7838 (11B) KITCHENER DRIVE, TOWN OF DARWIN**

APPLICANT EARL JAMES & ASSOCIATES

DAS tabled the file and addressed the Authority on the development application.

RESOLVED That pursuant to section 86 of the *Planning Act*, the Authority delegates to the
259/09 Chairman, or in the Chairman's absence any one of the other members of the Darwin Division the power under section 53 of the Act to determine the application to develop Lot 7838 (11B) Kitchen Drive, Town Of Darwin for the purpose of a subdivision to create 2 lots (units) including with respect to granting any variations to the relevant requirements of the NT planning scheme subject to:

- No public submissions being made under section 49 of the *Planning Act*;
- All matters raised by service authorities being suitably addressed by either amended plans or appropriate conditions on a development permit.

ACTION: If delegation exercised Notice of Consent and Development Permit

**PA2009/1292 CHANGE FOR USE FOR A PORTION OF A BUILDING FROM WAREHOUSE TO
OFFICE
PORTION 1349 (119) REICHARDT ROAD, HUNDRED OF BAGOT**

APPLICANT MR MICHAEL MILATOS

DAS tabled the file and addressed the Authority on the development application.

RESOLVED That pursuant to section 86 of the *Planning Act*, the Authority delegates to the
260/09 Chairman, or in the Chairman's absence any one of the other members of the Darwin Division the power under section 53 of the Act to determine the application to develop Portion 1349 (119) Reichardt Road, Hundred of Bagot for the purpose of a change for use for a portion of a building from warehouse to office including with respect to granting any variations to the relevant requirements of the NT planning scheme subject to:

- No public submissions being made under section 49 of the *Planning Act*;
- All matters raised by service authorities being suitably addressed by either amended plans or appropriate conditions on a development permit.

ACTION: If delegation exercised Notice of Consent and Development Permit

DARWIN DCA MEETING – FRIDAY 9 OCTOBER 2009

**PA2009/1309 EXTENSION TO AN EXISTING MULTIPLE DWELLING (UNIT 4)
LOT 5142 (43) ROSEWOOD CRESCENT, TOWN OF SANDERSON**

APPLICANT MS STEFANIE HAMANN

DAS tabled the file and addressed the Authority on the development application.

RESOLVED That pursuant to section 86 of the *Planning Act*, the Authority delegates to the
261/09 Chairman, or in the Chairman's absence any one of the other members of the Darwin
Division the power under section 53 of the Act to determine the application to
develop Lot 5142 (43) Rosewood Crescent, Town of Sanderson for the purpose of a
extension to an existing multiple dwelling (unit 4) including with respect to granting
any variations to the relevant requirements of the NT planning scheme subject to:

- No public submissions being made under section 49 of the *Planning Act*;
- All matters raised by service authorities being suitably addressed by either amended plans or appropriate conditions on a development permit.

ACTION: If delegation exercised Notice of Consent and
Development Permit

**PA2009/1341 SUBDIVISION TO CREATE 4 BUILDING LOTS AND COMMON PROPERTY
LOT 1532 (39) CAVENAGH STREET, TOWN OF DARWIN**

APPLICANT BELL GABBERT ASSOCIATES

DAS tabled the file and addressed the Authority on the development application.

RESOLVED That pursuant to section 86 of the *Planning Act*, the Authority delegates to the
262/09 Chairman, or in the Chairman's absence any one of the other members of the Darwin
Division the power under section 53 of the Act to determine the application to
develop Lot 1532 (39) Cavenagh Street, Town of Darwin for the purpose of a
subdivision to create 4 building lots and common property including with respect to
granting any variations to the relevant requirements of the NT planning scheme
subject to:

- No public submissions being made under section 49 of the *Planning Act*;
- All matters raised by service authorities being suitably addressed by either amended plans or appropriate conditions on a development permit.

ACTION: If delegation exercised Notice of Consent and
Development Permit

DARWIN DCA MEETING – FRIDAY 9 OCTOBER 2009

**PA2009/1293 VERANDAH ADDITION TO AN EXISTING MULTIPLE DWELLING (UNIT 11)
SECTION 3293 (15) LINKS ROAD, HUNDRED OF BAGOT**

APPLICANT NAC

DAS tabled the file and addressed the Authority on the development application.

**RESOLVED
263/09**

That pursuant to section 86 of the *Planning Act*, the Authority delegates to the Chairman, or in the Chairman's absence any one of the other members of the Darwin Division the power under section 53 of the Act to determine the application to develop Section 3293 (15) Links Road, Hundred of Bagot for the purpose of a verandah addition to an existing multiple dwelling (unit 11) including with respect to granting any variations to the relevant requirements of the NT planning scheme subject to:

- No public submissions being made under section 49 of the *Planning Act*;
- All matters raised by service authorities being suitably addressed by either amended plans or appropriate conditions on a development permit.

ACTION: If delegation exercised Notice of Consent and
Development Permit

**PA2009/1336 CHANGES TO THE DEVELOPMENT APPROVED BY DP05/0547 TO ENCLOSE PART
OF THE PRIVATE OPEN SPACE BALCONY AREAS AT LEVEL 6
LOT 7610 (19) KITCHENER DRIVE, TOWN OF DARWIN**

APPLICANT TOGA DARWIN NO. 1 PTY LTD

DAS tabled the file and addressed the Authority on the development application.

**RESOLVED
264/09**

That pursuant to section 86 of the *Planning Act*, the Authority delegates to the Chairman, or in the Chairman's absence any one of the other members of the Darwin Division the power under section 53 of the Act to determine the application to develop Lot 7610 (19) Kitchener Drive, Town of Darwin for the purpose of changes to the development approved by DP05/0547 to enclose part of the private open space balcony areas at level 6 including with respect to granting any variations to the relevant requirements of the NT planning scheme subject to:

- No public submissions being made under section 49 of the *Planning Act*;
- All matters raised by service authorities being suitably addressed by either amended plans or appropriate conditions on a development permit.

ACTION: If delegation exercised Notice of Consent and
Development Permit

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ITEM 5 **SUBDIVISION TO CREATE 2 LOTS**
PA2009/1148 **LOT 9738 (47) FRESHWATER ROAD, TOWN OF NIGHTCLIFF**

APPLICANT **EARL JAMES AND ASSOCIATES**

DAS tabled late comments from Earl James & Associates.

Mr Kevin Dodd attended the meeting on behalf of Earl James & Associates and Mr Jimmy Grier (land owner) also attended the meeting.

Mr Dodd tabled an aerial photograph of the locality and additional photographs showing the lack of vegetation on the site originally. Mr Dodd also tabled documentation relating to a Rapid Creek Flood Study and photographs showing existing structures in the areas i.e. a cattery and bed & breakfast.

RESOLVED That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent
265/09 Authority refuse to consent the application to subdivide Lot 9738 (47) Freshwater Road, Town of Nightcliff for the purpose of creating 2 lots.

REASONS FOR THE RECOMMENDATION

1. The proposed subdivision to create lots of 4010m² in size is clearly not consistent with the requirement that lots be 'approximately 1ha in area' as set out in provision 4 (Minimum Lot Size and Requirements) of Zone SD11 (Specific Use Darwin No.11) of the NT Planning Scheme.
2. It is noted that the previous application which created the subject site was granted specifically due to the reasons that the 'proposed lot sizes and lot layout of the subdivision generally comply with the *Rapid Creek Planning Concepts and Land Use Objectives 2000* and the Darwin Town Plan 1990'.
3. Doubling the density is inconsistent with the purpose of the Zone which is to 'facilitate the use and development of the land for a range of uses consistent with the non-urban character and amenity of the area'.
4. 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 standards set out in Parts 4 or 5 only if it is satisfied that special circumstances justify the giving of consent'. The applicant has put forward two arguments which in their opinion warrant consent. They are as follows:
 - Limited resources and land resources and the NT Government, along with the community, recognises that we have to make the best use of that resource' the subdivision of Lot 9738 is a way in which the NT Government can 'create new living opportunities'.
 - Secondly, 'the ever increasing demand for living options, and the fact that 8,020 m² is evidently surplus to the requirements for semi-rural living in this locality'.

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The reasons for approval do not warrant consent by the Consent Authority. The arguments for subdivisions are considered to be matters of policy. The existing policy for this Lot is provision 4 of Zone SD11 (Specific Use Darwin No. 11) which states that a lot must be 'approximately 1ha in area' and any move away from the current policy as suggest by the applicant is a matter of policy which can be reviewed by submitting an application for a Planning Scheme Amendment which is purview of the Minister for Lands and Planning.

Neither of the two reasons given by the applicant are considered to adequately justify why such a variation should be granted by the consent authority.

In addition, the issues raised by applicant in the written addendum and at the DCA meeting, including the availability of reticulated sewerage to the site, were not considered special circumstance to warrant reduction in lot size to 4000 m².

5. Furthermore, although the *Rapid Creek Planning Concepts and Land Use Objectives 2000* is no longer in effect under the NT Planning Scheme, this document raises relevant concerns with regard to the conservation of areas 'of high conservation significance and drainage protection areas' from erosion, sedimentation and pollution. In particular the *Rapid Creek Planning Concepts and Land Use Objectives 2000* raises the following concerns:

- 'Erosion on the creek banks through increases in stormwater velocities and concentration of water flow' (*Rapid Creek Planning Concepts and Land Use Objectives 2000*) ;
- 'Pollutants such as oil from car parking area can be discharged into the creek system and seriously affect the water quality of the creek' (*Rapid Creek Planning Concepts and Land Use Objectives 2000*) ;
- Increase runoff.

These issues have not been adequately addressed by the applicant..

ACTION: Notice of Refusal

DARWIN DCA MEETING – FRIDAY 9 OCTOBER 2009

ITEM 6 DEVELOPMENT OF 2 X 3 BEDROOM MULTIPLE DWELLINGS IN A SINGLE STOREY BUILDING

PA2009/1006 LOT 10317 (87) DAMABILA DRIVE, TOWN OF NIGHTCLIFF

APPLICANT LARRAKIA HOMES

Ms Kim Leslie and Ms Hannah Stevens (Elton Consulting) attended the meeting on behalf of Larrakia Homes.

Ms Leslie tabled a site plan of Lyons Stage 10A.

**RESOLVED
226/09**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Authority defers consideration of the application to develop Lot 10317 (87) Damabila Drive, Town of Nightcliff for the purpose of 2 x 3 bedroom multiple dwellings in a single storey building to allow the applicant to submit the following information that the Authority considers necessary to consider the application:

1. Confirmation from Darwin City Council, including agreed design details, addressing vehicle access to the subject site (and Lot 10315 and the Royal Darwin Hospital site) through Lot 10316, including measures to restrict through traffic (other than emergency access) between Lot 10316 and the hospital.

REASON FOR THE DECISION

1. Additional information with regard to vehicle access within Lot 10316 is required in order to ensure that access to the 2 abutting multiple dwelling lots and the Royal Darwin Hospital site is provided in an appropriate manner while recognising that Lot 10316 is designated as public open space.

ACTION:

Advice to Applicant

ITEM 7 ADDITION TO EXISTING SINGLE DWELLING INCLUDING ADDITIONS/ ALTERATIONS TO THE SECOND STOREY AND A CARPORT ADDITION WITH REDUCED FRONT AND SIDE SETBACKS.

PA2009/1148 LOT 2897 (12) CHRISTIE STREET, TOWN OF DARWIN

APPLICANT PROJECT BUILDING CERTIFIERS PTY LTD

There were no representatives from Project Building Certifiers Pty Ltd.

**RESOLVED
267/09**

That, the Development Consent Authority vary the requirements of clause 7.3 (Building Setbacks of Residential Buildings and Pergolas, Carports and the Like) of the NT Planning Scheme and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 2897 (12) Christie Street, Town of Darwin for the purpose of additions to existing single dwelling including additions/ alterations to the second storey and a carport addition with reduced front and side setbacks subject to the following conditions:

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CONDITIONS

1. The works carried out under this permit shall be in accordance with drawing number 2009/1073/1 through 2009/1073/4 and endorsed as forming part of this permit.
2. 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.

REASONS FOR THE RECOMMENDATION

1. The proposed development is consistent with the primary purpose of Zone SD (Single Dwelling) to provide for single dwellings on individual lots.
2. A variation to Clause 7.3 (Building Setbacks of Residential Buildings and Pergolas, Carports and the Like) of the Northern Territory Planning Scheme to vary the front setback is supported as the reduced front setback is compatible with the building setbacks of adjacent or nearby buildings, and is unlikely to have any adverse impact on the streetscape or amenity of the locality.
3. A variation to Clause 7.3 (Building Setbacks of Residential Buildings and Pergolas, Carports and the Like) of the NT Planning Scheme to vary the side setback is supported as the proposed reduced side setback is well screened by existing vegetation and not located within close proximity to the neighbouring dwelling, and therefore unlikely to have any adverse effect on the amenity of the abutting property.
4. 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'. The carport extension was previously granted permission under site modification M05/206 and as such a special circumstance applies to the site with regard the proposed variation.

ACTION: Notice of Consent and Development Permit

ITEM 8 **DEVELOPMENT – 4 X 3 BEDROOM MULTIPLE DWELLINGS IN 2 X 2 STOREY BUILDINGS**
PA2009/1160 **LOT 2243 (4) HINKLER CRESCENT, TOWN OF DARWIN**
APPLICANT **GEORGE SAVVAS**

Mr George Savvas attended the meeting and tabled an artists impression of the development.

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**RESOLVED
268/09**

That pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 2243 (4) Hinkler Crescent, Town of Darwin for the purpose 4 x 3 bedroom multiple dwelling in 2 x 2 storey buildings subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of works (including site preparation) a full set of 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 three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) waste bin storage to Darwin City Council requirements;
 - (b) provision of an electrical substation and/ or electricity easement on the site to Power and Water Corporation's requirements; and
 - (c) realigned front fence details to accommodate the requirements of condition 1 (a) & (b) of this permit.
2. Prior to the commencement of works (including site preparation), the applicant is to obtain approval from Power and Water Corporation for development on/ over its easement or otherwise as required by Power and Water Corporation, to the satisfaction of the consent authority.

GENERAL CONDITIONS

3. The works carried out under this permit shall be in accordance with the drawings numbered PA2009/1219/1 through to PA2009/1219/9 endorsed as forming part of this permit.
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 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. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Darwin City Council, 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;

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All to the technical requirements of and at no cost to the Darwin City Council, to the satisfaction of the consent authority.

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;
 - (d) drained to the satisfaction of the consent authority;

Car spaces and driveways must be kept available for these purposes at all times.

9. 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.
10. 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.
11. No fence, hedge, tree or other obstruction exceeding a height of 0.6 m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
12. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
13. 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.
14. Storage for waste disposal bins is to be provided to the requirements of Darwin City Council to the satisfaction of the consent authority.

NOTE

1. The Developer is to contact Service Stream on 1800 773 776 or Commercial.leadin@servicestream.com.au prior to any work commencing to facilitate the installation of Telstra Network.

REASONS FOR THE RECOMMENDATION

1. The proposed development is generally consistent with the primary purpose of Zone MD (Multiple Dwelling) to provide for a range of housing options to a maximum height of two storeys.

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2. A variation to clause 7.1 (Residential Density and Height Limitation) of the Northern Territory Planning Scheme is supported as none of the service authorities have raised any specific issues of concern with the application which indicates that the development is able to be adequately catered for. In addition, the site is not burdened with any known constraints, and the development is able to satisfy the majority of all other requirements of the NT Planning Scheme, both of which indicate that the land is capable of accommodating the development.
3. A variation to clause 7.3 (Building Setbacks of Residential Buildings and Pergolas, Carports and the Like) of the Northern Territory Planning Scheme is supported as the verandahs at the front of the property which are adjacent to a commercial development (Fannie Bay shops) will be screened from the view of the street by a 1.8m high blockwall/stone fence with wooden timber slats and the verandahs at the rear of the property will be enclosed by at 1.5m high PCA pool fence and will be screened from the adjacent park by landscaping. It is therefore unlikely that the verandahs will have a negative visual impact on the streetscape and the amenity of the area.

Furthermore, under the Northern Territory Planning Scheme the setback a requirement for Carports in Zone MD (Multiple Dwelling) is 4.5m from the front boundary and 1.5m from the rear boundary. The verandahs at the front of the property will be setback 4.7m from the front boundary and the verandahs at the rear of the property will be setback 1.5m from the rear boundary. As the verandahs are opened aired structures which are enclosed by fencing and are smaller in size that a double carport it is considered that the verandahs will have less of an impact on the streetscape and the amenity of the area that if a carport were to be located in the same place.

4. The requirement for amended plans showing the waste bin storage and provision of and electricity substation and/ or easement will ensure the site is serviced to the requirements of the relevant servicing authorities.

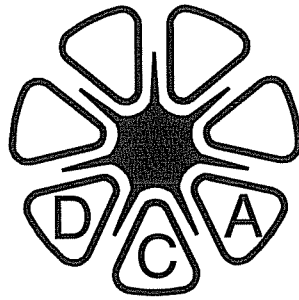
ACTION: Notice of Consent and Development Permit

SIGNED AS AN ACCURATE REPRESENTATION OF THE PROCEEDINGS



PETER MCQUEEN
Chairman

16/10/09



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 135 – FRIDAY 23 OCTOBER 2009

**BATHURST CONFERENCE ROOM
MANTRA ON THE ESPLANADE
88 THE ESPLANADE
DARWIN**

MEMBERS PRESENT: David Hibbert (Presiding Member), Grant Tambling, Heather Sjoberg and Bob Elix

APOLOGIES: Peter McQueen

OFFICERS PRESENT: Bree Potter (A/Secretary), Douglas Lesh, Julia Wanane, Sarah Gooding and Peter Sdraulig (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 9:00am and closed at 11.30am

DARWIN DCA MEETING – FRIDAY 23 OCTOBER 2009

The Minutes of the 134th DCA meeting held on Friday 9 October 2009 were ratified as an accurate representation of the proceedings on 16 October 2009.

Pursuant to section 101(3)(c) of the *Planning Act*, in the absence of Mr Peter McQueen, Chairman of the Development Consent Authority, the members of the Darwin Division of the Development Consent Authority appoint Mr David Hibbert as the presiding member at the meeting of the Darwin Division of the DCA held on Friday 23 October 2009.

BUSINESS ARISING FROM MINUTES

Nil

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 2 NO ITEMS

ITEM 3 NO ITEMS

ITEM 4 NO ITEMS

ITEM 5 LEISURE AND RECREATION (INCLUDING AREA FOR OUTDOOR
PA2009/1289 ENTERTAINMENT, LANDSCAPING AND CAR PARKING)
LOT 7651 GILRUTH AVENUE, TOWN OF DARWIN

APPLICANT JUNE D'ROZARIO & ASSOCIATES PTY LTD

June D'Rozario, Tony Cox (Clouston Architects) and Richard Angove (Skycity) attended the meeting.

Ms D'Rozario tabled additional comments in response to submissions received.

Ms D'Rozario, Mr Cox and Mr Angove spoke to the application.

Darwin City Council tabled a response to SkyCity Darwin's correspondence dated 7 and 31 August 2009.

Submitter Patsy Hickey attended the meeting (spoke).

**RESOLVED
269/09**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Authority defers consideration of the application to develop Lot 7651 Gilruth Avenue, Town of Darwin for the purpose of leisure and recreation (including area for outdoor entertainment, landscaping and carparking), to allow the applicant to submit the following information that the Authority considers necessary to consider the application:

DARWIN DCA MEETING – FRIDAY 23 OCTOBER 2009

1. Confirmation of legal rights of vehicle access to the site for the duration of the development and use.
2. Measures to ensure legal rights of public access in perpetuity along the creek between Gilruth Avenue and the foreshore.
3. Measures to ensure the retention/ conservation of the escarpment and creek.
4. Details of noise attenuation measures to be employed during events to minimise any adverse impacts on the adjacent and nearby surrounding area.

REASONS FOR THE DECISION

1. Additional information demonstrating legal rights of vehicle access to the site is considered necessary to ensure that vehicle access is able to be provided to the land.
2. The consent authority must, pursuant to section 51(p) of the *Planning Act*, take into account the public interest, and it is considered necessary to require the applicant to demonstrate that the public access through the site will be provided and maintained.
3. The escarpment and creek areas are considered to be of high natural amenity value and it is considered necessary to require information demonstrating that these areas will be retained and maintained as such.
4. The consent authority must, pursuant to section 51(n) of the *Planning Act*, take into account the potential impact on the existing and future amenity of the area in which the land is situated, and it is considered necessary for the applicant to demonstrate that events will be appropriately managed in respect to noise.

ACTION: Advice to Applicant

ITEM 6 **SUBDIVISION TO CREATE 8 LOTS INCLUDING 2 FOR MULTIPLE DWELLINGS**
PA2009/1285 **LOT 9327 (125) DICK WARD DRIVE, TOWN OF NIGHTCLIFF**

APPLICANT **MAKRYLOS GROUP**

Michael and Gina Makrylos attended the meeting and spoke to the application. Mr Makrylos tabled a drawing showing the extent of the fill on the land.

RESOLVED That, the Development Consent Authority vary the requirements of clause 11.2.2
270/09 (Infrastructure and Community Facilities in Residential Subdivision) of the NT
Planning Scheme and pursuant to section 53(b) of the *Planning Act*, alter the
application and consent to the application as altered to develop Lot 9327 (125) Dick
Ward Drive, Town of Nightcliff for the purpose of subdivision to create 8 lots
(including 2 for multiple dwellings), subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the commencement of works (including site preparation), all existing buildings are to be removed, or a statement from a registered building certifier is to be provided to the Department of Planning and Infrastructure verifying that the remaining building(s) will continue to comply with the Building Act following the proposed subdivision to the satisfaction of the consent authority
2. Prior to the commencement of works (including site preparation) a full set of 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 three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) deletion of building envelopes and dwelling layouts for proposed lots 1 & 2 while still being nominated for 2 dwellings each; and
 - (b) overall site property boundary fencing nominated to a height of 1.8m as measured from the minimum finished floor level height of dwellings as required by part 6(a) (iii) of schedule SD24 (Special Use Darwin 24) to clause 2.4 (Specific Use Zones) of the NT Planning Scheme

GENERAL CONDITIONS

3. Works carried out under this permit shall be in accordance with the plans endorsed as forming part of this permit.
4. 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.
5. The permit holder must enter into agreements with the relevant authorities for the provision of drainage, water supply, sewerage facilities, and electricity services in accordance with the authorities requirements and relevant legislation at the time
6. 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.
7. Engineering design and specifications of the proposed and affected roads, including street lighting, stormwater drainage, vehicle access, pedestrian/cycle corridors, and streetscaping are to be to the technical requirements of the Darwin City Council to the satisfaction of the consent authority, and all approved works constructed at the permit holder's expense.

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8. Stormwater is to be collected and discharged in the drainage network to the technical standards of and at no cost to the Darwin City Council, to the satisfaction of the consent authority.
9. The proposed road to be created on the plan of subdivision must be submitted for approval by the Surveyor General and must be dedicated to Darwin City Council.
10. The developer shall contact Telstra on <http://www.telstrasmartcommunity.com/> prior to any work commencing to facilitate the installation of the Telstra Network.
11. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

NOTE

Power and Water Corporation advise that, at the developer's expense:

- a gravity sewer main servicing the allotments shall be provided within the road reserve to eliminate easements;
- a gas trap maintenance hole will be needed for connection of the new sewer main into a trunk sewer maintenance hole;
- a DN 150 looped water main will be required to service the lots; and
- a BS750 fire hydrant will be required to establish lot coverage for fire purposes.

REASONS FOR THE DECISION

1. The proposed subdivision is consistent with the purpose of schedule SD24 (Specific Use Darwin 24) which is to facilitate the subdivision, development and use of the land as a residential estate with one storey, single dwellings and multiple dwellings.
2. A variation to clause 11.2.2 (Infrastructure and Community Facilities in Residential Subdivision) for the non provision of public open space is considered satisfactory in this instance as:
 - the subdivision is a relatively small subdivision which creates only 8 lots and maximum of 10 dwellings;
 - 10% of site area represents a relatively small public open space area of only 706 m², and unless provided at the Dick Ward Drive frontage would be largely isolated from the surrounding area; and
 - the site is located with 120m from a large public open space reserve to the east, and 250m from a large organised recreation area to the east.

ACTION: Notice of Consent and Development Permit

DARWIN DCA MEETING – FRIDAY 23 OCTOBER 2009

SIGNED AS AN ACCURATE REPRESENTATION OF THE PROCEEDINGS



DAVID HIBBERT
Presiding Member

28/10/09