



**DEVELOPMENT CONSENT AUTHORITY**

**DARWIN DIVISION**

**MINUTES**

**MEETING No. 180 – FRIDAY 18 NOVEMBER 2011**

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

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

**APOLOGIES:** Nil

**OFFICERS PRESENT:** Margaret Macintyre (Secretary), Doug Lesh, Hanna Stevenson, Peter Sdraulig and for part of the meeting Israel Kgosiemang (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Cindy Robson (Item 3 only)

**Meeting opened at 9.00 am and closed at 11.00 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**                    **CHANGE OF USE FROM WAREHOUSE TO SHOP, OFFICE AND WAREHOUSE**  
**PA2011/0707**            **(UNIT 4)**  
                              **LOT 8725 (18) TOTEM ROAD, TOWN OF NIGHTCLIFF**  
**APPLICANT**            **SANDHU SIMRANJEET SINGH**

The applicant sent his apologies.

**RESOLVED**  
**260/11**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 8725 (18) Totem Road, Town of Nightcliff for the purpose of change of use from warehouse to shop, office and warehouse (Unit 4), to require the applicant to provide the following additional information that the Authority considered necessary in order to enable the proper consideration of the application:

1. An accurate dimensioned proposed site plan showing as a minimum but not limited to the buildings, pathways, driveways, car parks, loading bays, landscaping, waste areas and fence details. The plans should have regard to the requirement for 12 car parks, 4 loading bays (or actual demand for loading bays on the site), waste storage/collection requirements of Darwin City Council and the car parking standards of Clause 6.5.3 (Parking Layout) of the NT Planning Scheme. If any variations to Clause 6.5.1 (Parking Requirements), Clause 6.5.3 (Parking Layout) and Clause 6.6 (Loading Bays) are proposed, written information outlining these and special circumstances to justify the variations is also recommended.
2. Information regarding the intended building works or methods to separate the different uses within the subject tenancy.

#### **REASONS FOR THE DECISION**

1. Receipt of this additional information will ensure that adequate car parking and loading bays are provided for the development and that they are appropriately designed. It will also clarify the discrepancies between the information provided and the existing site conditions.
2. Clarification of how the different uses within the subject tenancy will be separated will ensure that the each of the uses is contained and car parking is calculated accurately.

**ACTION:**                    Advice to Applicant

ITEM 2  
PA2011/0712  
APPLICANT

2 X 4 BEDROOM MULTIPLE DWELLINGS IN A TWO STOREY BUILDING  
LOT 10024 (3) MATLA CRESCENT, TOWN OF NIGHTCLIFF  
YIANNIS PROUZOS

Mr Yiannis Prouzos attended.

RESOLVED  
261/11

That, the Development Consent Authority vary the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 10024 (3) Matla Crescent, Town of Nightcliff for the purpose of 2 x 4 bedroom multiple dwellings in a two storey building; subject to the following conditions:

1. The development carried out under this permit shall be in accordance with drawing numbers 2011/0712/1 through 2011/0712/6 endorsed as forming part of this permit.
2. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities, and electricity to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
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 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.
5. 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 Darwin City Council to the satisfaction of the consent authority.
6. 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.
7. 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.

8. 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.
9. 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.
10. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
11. 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.
12. Storage 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. Notwithstanding the approved plans, any proposed works (including landscaping) within Council's road reserve is subject to Council's approval and shall meet all Council's requirements to the satisfaction of the General Manager of Infrastructure, Darwin City Council and at no cost to Council.

**REASONS FOR THE DECISION**

1. The proposed development is consistent with the primary purpose of Zone SD17 (Specific Use Darwin No. 17) which is to facilitate the subdivision, use and development of the land as a residential estate.
2. A variation to Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme for a reduced front setback is supported in this instance as the front setback is consistent with previously approved setback variations for all single dwelling lots within the Lyons Estate, and therefore the proposal satisfies the purpose of the clause which is to 'ensure residential buildings and structures without external walls are located so they are compatible with the streetscape and surrounding development including residential buildings on the same site'.

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

ITEM 3  
PA2011/0701  
APPLICANT

**TEMPORARY STORAGE OF FILL  
LOT 8537 (7) SABINE ROAD, TOWN OF NIGHTCLIFF  
NICOLAS GERRY KOUKOUVAS**

Mr Nicholas Koukouvas attended.

Submitter:- Ms Cindy Robson (on behalf of Darwin City Council) attended.

**RESOLVED  
262/11**

That, the pursuant to Section 53(b) of the *Planning Act*, the Development Consent Authority alter the proposed development and consent to the proposed development as altered to develop Lot 8537 (7) Sabine Road, Town of Nightcliff for the purpose of temporary storage of fill, subject to the following conditions:

**GENERAL CONDITIONS**

1. An Erosion and Sediment Control Plan (ESCP) showing stormwater drainage and erosion and sediment control measures to be put in place to ensure minimal sediment leaves the site, shall be submitted to and approved by the consent authority on the advice of the Department of Natural Resources, Environment and the Arts (Natural Resources Management Division) and Darwin City Council. This plan shall incorporate details including bank/slope gradients; use of proposed batters, roll-over diversion banks, sediment fences etc. An endorsed copy of the plan will form part of this permit. All works relating to this permit are to be undertaken in accordance with the endorsed plan, to the satisfaction of the consent authority. This plan shall be submitted to the consent authority no later than 28 November 2011.
2. Approximately half (500 cubic metres) of the fill is to be removed from the site by 21 November 2011, to the satisfaction of the consent authority.
3. Prior to the removal of the fill as required by Condition 3 above, or prior to the removal of any additional fill from the land (until such time as no fill remains), a new ESCP demonstrating stormwater drainage and erosion and sediment control measures to be put in place to ensure minimal sediment leaves the site, shall be submitted to and approved by the consent authority on the advice of the Department of Natural Resources, Environment and the Arts (Natural Resources Management Division) and Darwin City Council. An endorsed copy of the new plan will form part of this permit. All works relating to this permit are then to be undertaken in accordance with this new endorsed plan, to the satisfaction of the consent authority.
4. All fill is to be removed by no later than 30 April 2012 and the site is to be reinstated to a condition similar to the original state before the fill was placed on site. If any fill is intended to remain on the site after 30 April 2012, the fill to remain must be specifically approved to remain on the land by Darwin City Council and the Department of Natural Resources, Environment, the Arts and Sport, to the satisfaction of the consent authority.

5. Soil erosion and dust control measures must be employed at all times meeting the requirements of Darwin City Council and the Department of Natural Resources, Environment, the Arts and Sport (NRETAS), to the satisfaction of the consent authority.
6. Any Darwin City Council drain within the vicinity of the site is to be kept clear of any sediment runoff from the stockpile to the satisfaction of the consent authority.
7. Any developments on or adjacent to any easements on site shall be carried out to the requirements and satisfaction of the relevant service authority.
8. The sanitary drainage system indicated on the plans shall be disconnected and sealed to prevent sediment or water from entering the sewerage system.

**NOTE:**

Care should be taken to ensure that dust emissions from the works comply with section 83(5) of the *Waste Management and Pollution Control Act* as advised by NRETAS.

**REASONS FOR THE DECISION**

1. The temporary use of the sites for temporary storage of fill will not compromise the future use of the site in accordance with the provision of Zone MD (Multiple Dwelling Residential).
2. With the implementation of appropriate erosion and sediment control measures as required by this development permit, the proposal will comply with clause 6.16 (Excavation and Fill) of the NT Planning Scheme. Subject to implementation of these measures, it is considered that the proposed works will not detrimentally impact on the environment or amenity of the locality.
3. Conditions 1, 3 and 4 are required in order to ensure that stormwater drainage and erosion and sediment control measures are put in place ensuring minimal sediment leaves the site.

**ACTION:** Notice of Determination

ITEM 4  
PA2011/0613

**8 X 2 BEDROOM MULTIPLE DWELLINGS IN A 4 STOREY BUILDING  
INCLUDING UNDERCOVER CAR PARKING  
LOT 4685 (13) QUANDONG CRESCENT, TOWN OF NIGHTCLIFF  
APPLICANT  
BELL GABBERT ASSOCIATES PTY LTD**

Mr Mark Bell (Bell Gabbert Associates) attended.

**RESOLVED  
263/11**

That, the Development Consent Authority vary the requirements of Clause 7.1.1 (Residential Density Limitations), Clause 7.3 (Building Setbacks of Residential Buildings) and Clause 7.6 (Communal Open Space) of the NT Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 4685 (13) Quandong Crescent, Town of Nightcliff for the purpose of 8 x 2 bedroom multiple dwellings in a 4 storey building including ground level car parking, subject to the following conditions:

1. The development carried out under this permit shall be in accordance with drawing numbers 2011/0613/1 through 2011/0613/7 endorsed as forming part of this permit.
2. 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.
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 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.
5. 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 Darwin City Council to the satisfaction of the consent authority.
6. 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,
  - (e) line marked to indicate each car space and all access lanes; and
  - (f) clearly marked to show the direction of traffic along access lanes and driveways;

to the satisfaction of the consent authority.

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

7. 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.
8. 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.
9. 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.
10. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
11. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
12. 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.
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.

#### NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto: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. Notwithstanding the approved plans, any proposed works (including landscaping) within Council's road reserve is subject to Council's approval and shall meet all Council's requirements to the satisfaction of the General Manager of Infrastructure, Darwin City Council and at no cost to Council.



## REASONS FOR THE DECISION

1. The proposed development is consistent with the purpose of Zone MR (Medium Density Residential) which is to 'provide for a range of housing options to a maximum of four storeys'.
2. A variation to Clause 7.1.1 (Residential Density Limitations) (is considered satisfactory in this instance as the proposal is only 4.6% over density, and there is no indication from any service authority that the infrastructure and services in the area cannot support the development.
3. Variations to Clause 7.3 (Building Setbacks of Residential Buildings) for reduced side and rear setback of the residential building, and reduced front setback for the car port are considered satisfactory in this instance as:
  - there are no habitable room windows within 3m of the side or rear property boundaries, with all balconies within 3m of side boundaries screened, such there would not be any undue overlooking of abutting properties;
  - the required side and rear setback are based on the overall length and width of the building being slightly greater than 18, although due to varied building setbacks and recessed elements, there would not be any additional building massing associated with the varied setback;
  - the reduced building setbacks will not have any obvious impacts on breeze penetration through the site; and
  - the carport being largely obscured by a proposed high front fence and extensive landscaping would not be readily visible;

and as such, the proposal is considered to satisfy the purpose of the clause which is ensure residential buildings and structures without walls are located so 'as to minimise any adverse effects of building massing when viewed from adjoining land and the street', 'as to avoid undue overlooking of adjoining properties' and 'to encourage breeze penetration through and between buildings'.

4. A variation to Clause 7.6 (Communal Open Space) of the Northern Territory Planning Scheme is considered satisfactory in this instance as the development provides the necessary amount of communal open space, and it is just the dimensional requirements that do technically comply. Furthermore, the site is located within 60m of a large public open space area which is a far more practical open space area than could be provided on site.

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

ITEM 5  
PA2010/0167  
APPLICANT

VARIATION – RECONFIGURATION OF HORSE STABLES  
LOT 5298 (20) DICK WARD DRIVE, TOWN OF DARWIN  
DARWIN TURF CLUB

DAS tabled submissions from Michaela and Garry Richardson (2 submissions), Sandy (Brant) De Zylva, Jenny Hagan and Dr Ian Gurry.

Mr Brad Cunnington (Masterplan NT) and Mr Philip Neck (CEO) and Mr Brett Dixon (Darwin Turf Club) attended.

Submitters in attendance Ms Jenny Hagan, Mr Brant (Sandy) and Mrs Frances De Zylva, Mr Angus Flemming, Ms Michaela Richardson (advised that Mr Garry Richardson sends his apologies).

Mr Flemming table a further submission on behalf of himself, Jenny Hagan and John Rogers

In attendance:- Mr John Rogers and Mr and Mrs David Tollner.

**RESOLVED**  
**264/11**

That pursuant to section 86 of the *Planning Act*, the Authority delegates to the Chairman the power under section 57(3) of the *Act* to determine the application to vary Development Permit DP10/0324 for the purpose of changes to the layout of the 60 horse stables in 4 buildings subject to the applicant submitting plans and documents showing:

1. A revised Environment Management Plan (EMP) which addresses all issues associated with the revised site layout (from that approved via DP10/0324) including but not limited to stormwater collection and discharge, including confirmation of the acceptability of the proposed changes from the Department of Health and Families and the Department of Natural Resources, Environment, the Arts and Sport, to the satisfaction of the consent authority. The EMP shall remove reference to any use of the stables outside of the dates specified by Development Permit DP10/0324.
2. A schematic stormwater drainage plan meeting the requirements of Darwin City Council, to the satisfaction of the consent authority.
3. An Erosion and Sediment Control Plan meeting the requirements of Darwin City Council, to the satisfaction of the consent authority.

4. Written confirmation that the landscaping works (along the Douglas Street frontage) will be substantially commenced by 31 December 2011.

**ACTION:** Advice to Applicant

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



**PETER MCQUEEN**  
Chairman

21/11/11

