



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 406 – FRIDAY 9 JUNE 2023

**BROLGA ROOM
NOVOTEL DARWIN CBD
100 THE ESPLANADE
DARWIN CITY**

MEMBERS PRESENT: Suzanne Philip (Chair), Marion Guppy, Mark Blackburn and Peter Pangquee

APOLOGIES: Mick Palmer and Morgan Rickard

LEAVE OF ABSENCE: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), Amit Magotra, Monica Pham and Rishu Gupta (Development Assessment Services)

COUNCIL REPRESENTATIVE: Apology

Meeting opened at 10.00 am and closed at 10.40 am

Darwin DCA Meeting No 406 –Friday 9 June 2023

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 **UNIT TITLE SCHEMES SUBDIVISION TO CREATE FOUR UNITS AND**
PA2023/0100 **COMMON PROPERTY**
APPLICANT **LOT 4667 (9) BOUGAINVILIA STREET, NIGHTCLIFF, TOWN OF NIGHTCLIFF**
One Planning Consult

Applicant Israel-Tshepo Kgosiemang (One Planning Consulting) attended and tabled photos of the existing laundry located in the bathroom.

RESOLVED
23/23

That, pursuant to section 46(4)(b) of the *Planning Act 1999*, the Development Consent Authority defer consideration of the application to develop Lot 4667 (9) Bougainvillea Street, Nightcliff, Town of Nightcliff for the purpose of unit title schemes subdivision to create four units and common property to require the applicant to provide the following additional information that the Authority considers necessary in order to enable proper consideration of the application:

- Amended plans showing the following:
 - Detailed layout of laundry facilities for all units;
 - details of drainage solutions for balconies located on the first floor;
 - swept path diagrams demonstrating maneuverability of the car parking area;
 - Schedule of Upgrades with details of fencing around bin enclosure along the street frontages, letterbox and paint treatment of building façade.
- Clarification regarding replacement and upgrades for the air conditioning units and proposed screening.
- Clarification that air conditioner do not impede access to the units and common property.

REASONS FOR THE DECISION

1. At the hearing, the applicant (Israel-Tshepo Kgosiemang) attended the meeting and spoke to the application. The applicant explained that the existing development is a post cyclone Tracy development that provided accommodation for people, and over time, has evolved. The proponent has applied to the unit title the development so that the property is easier to manage. The applicant noted that the upgrades proposed to provide increased amenity.

The applicant provided an overview of the proposed upgrades, including reconfiguration of the car parking area, designated private open space and communal open space areas, refurbishments to the outdoor structure including BBQ and seating area in the communal open space and screening to the air conditioner units.

The Authority notes that under sub-clause 1 of Clause 6.6.1, *a lawfully established development on a lot may be subdivided to create a unit title scheme only if the development has been upgraded to meet the development requirements within Part 3 and Part 5 of the planning scheme that apply to the*

Darwin DCA Meeting No 406 –Friday 9 June 2023

development of the land. If it is not possible to meet the requirements, the consent authority must be satisfied that the proposed upgrading is the only practicable design solution.

The requirement under Clause 5.2.4.4 (Layout of car parking areas) requires the car parking layout to project 1m beyond the last parking space. The non-compliance occurs as the proposed car parking layout does not project 1m beyond the last parking space. Administratively, under sub-clause 4 of Clause 5.2.4.4, *the consent authority may consent to a car parking area that is not in accordance with sub-clauses 7 and 8 if it is satisfied that the design and construction is safe and functional with regard to the location of the development.* The Authority notes that this requirement is to allow for cars to have adequate space to exit and manoeuvre. At the hearing the applicant noted that while the minimum requirement for the driveway width is 6m, the proposed driveway will measure 7.2m, which should provide additional space for vehicles to enter and exit the car parking area. The Authority notes the purpose of Clause 5.2.4.4 is to *ensure that a car parking area is appropriately designed, constructed and maintained for its intended purpose* and requests that swept path diagrams be provided demonstrating the maneuverability of the car parking area.

The Authority queried the location of the laundry facilities for Unit 2 and Unit 4, which are being located outside, and whether the laundry facilities could be moved inside the bathrooms, similar to Units 1 and 3, so that they are not within the private open space area. The applicant did not raise any issues with relocating the outdoor laundry facilities to the bathrooms was amenable to this effect.

The Authority also queried as to what measures are in place to prevent run-off from the first floor balconies as Clause 5.4.8.2 (Building Design for Dwelling-multiple) requires that *buildings are to provide internal drainage of balconies*, and whether a drainage solution for the balconies could be provided through amended plans. The applicant did not express any concerns about providing a drainage solution for the first floor balconies.

The Authority further notes that the air-condensers located along the north façade are at situated at low height, which could potentially restrict access to the common property. The Authority requires clarification and/or amended plans to address this mater.

The Authority queried the applicant as to whether the fencing, bin enclosure and letterbox upgrades proposed along the street frontage could be upgraded. The applicant did not raise any issues with such upgrades, and the Authority requires these details be provided through amended plans.

The schedule of upgrades lists painting to all external building facades as a proposed upgrade, however the elevations lists existing cavity brick wall. The Authority requires that a Schedule of Upgrades be provided with details regarding paint treatment of building façade.

Darwin DCA Meeting No 406 –Friday 9 June 2023

The Authority notes that the assessment of the Development Assessment Services (DAS) concludes that the existing development does not comply with some development requirements listed under Part 5 of the NTPS 2020. The Authority noted that the site had been developed under pre-dated planning controls, and considering the existing site constraints, it is not possible to achieve full compliance with the requirements of the NTPS 2020. The Authority is satisfied that the upgrades outlined in the application and required through amended plans (under this Notice of Deferral) are the only practicable design solution to achieve compliance with the current development requirements.

FOR: 4

AGAINST: 0

ABSTAIN: 0

ACTION: Notice of Deferral

**RESOLVED
24/23**

That, pursuant to section 86(1) of the *Planning Act 1999*, the Development Consent Authority delegate to the Chair the power under section 53 of the *Planning Act 1999* to determine the application to develop Lot 4667 (9) Bougainvillea Street, Nightcliff, Town of Nightcliff for the purpose of unit title schemes subdivision to create four units and common property subject to the receipt of:

- Amended plans showing the following:
 - Detailed layout of laundry facilities for all units;
 - details of drainage solutions for balconies located on the first floor;
 - swept path diagrams demonstrating maneuverability of the car parking area;
 - Schedule of Upgrades with details of fencing around bin enclosure along the street frontages, letterbox and paint treatment of building façade.
- Clarification regarding replacement and upgrades for the air conditioning units and proposed screening.
- Clarification that air conditioner do not impede access to the units and common property.

FOR: 4

AGAINST: 0

ABSTAIN: 0

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

**SUZANNE PHILIP
Chair**

14 June 2023