

DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 171 – FRIDAY 8 JULY 2011

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

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

APOLOGIES: David Hibbert

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

COUNCIL REPRESENTATIVE: Cindy Robson and Joseph Sheridan (session 2 only)

**Meeting opened at 10.00 am and closed at 12 noon
Recommenced at 1.00 pm and closed at 2.30 pm**

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 **SINGLE DWELLING WITH A REDUCED SIDE SETBACK**
PA2011/0294 **PORTION 2564 (13) PINEHURST COURT, HUNDRED OF BAGOT**
APPLICANT **RAW DESIGNS**

Mr Rob Watt (Raw Designs) and Mr Greg Brown (owner) attended.

Submitter Mr Geoff Bishop attended and tabled a further submission including photographs.

RESOLVED That pursuant to Section 53(c) of the *Planning Act*, the Development Consent
134/11 Authority refuse consent to the application to develop Lot 2564 (13) Pinehurst Court,
Hundred of Bagot for the purpose of a single dwelling with a reduced side setback
subject to the following reasons:

REASON FOR THE DECISION

Whilst the Development Assessment Services report to the Development Consent Authority recommended that the application be approved, the Development Consent Authority determined that there were no special circumstances identified by the applicant in their application or by Development Assessment Services in the report to the Development Consent Authority that justified the granting of consent. When asked to provide special circumstances at the hearing the applicant provided: there are other examples of reduced side setbacks in the area; that the wall length is only 6.5m; that the existing pool constrains the site; and that it will be located opposite the neighbours existing carport. These are not considered by the Development Consent Authority to be special circumstances which justified the granting of consent. Furthermore given the existing house is to be demolished and a new house constructed, there was no adequate reason given or apparent as to why the development could not provide a 1.5m setback on the subject boundary by making minor adjustments to the development. As such the Development Consent Authority determined to refuse the application.

ACTION: Notice of Refusal

ITEM 2 **2 X 3 BEDROOM MULTIPLE DWELLINGS IN A SINGLE STOREY**
PA2011/0358 **BUILDING (PROPOSED LOT 10505)**
APPLICANT **LOT 10373 (5) DAMIRRINDA STREET, TOWN OF NIGHTCLIFF**
RAW DESIGNS

Mr Rob Watt (Raw Designs) and Mr Manuel Petsalis (developer) attended.

RESOLVED
135/11

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 10373 (Proposed Lot 10505) (5) Damarrinda Street, Town of Nightcliff for the purpose of 2 x 3 bedroom multiple dwellings in a single storey building, subject to the following conditions:

1. The development carried out under this permit shall be in accordance with drawing numbers 2011/0358/1 through 2011/0358/4 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
PA2011/0357

**2 X 3 BEDROOM MULTIPLE DWELLINGS IN A SINGLE STOREY
BUILDING (PROPOSED LOT 10504)
LOT 10373 (5) DAMIRRINDA STREET, TOWN OF NIGHTCLIFF
RAW DESIGNS**

APPLICANT

Mr Rob Watt (Raw Designs) and Mr Manuel Petsalis (developer) attended,

**RESOLVED
136/11**

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 10373 (Proposed Lot 10504) (5) Damarrinda Street, Town of Nightcliff for the purpose of 2 x 3 bedroom multiple dwellings in a single storey building, subject to the following conditions:

1. The development carried out under this permit shall be in accordance with drawing numbers 2011/0357/1 through 2011/0357/4 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 4 **6 X 3 BEDROOM MULTIPLE DWELLINGS IN A FOUR STOREY**
PA2011/0296 **BUILDING INCLUDING GROUND LEVEL CAR PARKING**
APPLICANT **LOT 6115 (31) CLARKE CRESCENT TOWN OF NIGHTCLIFF**
 SAVVAS P SAVVAS ARCHITECT

The applicant did not attend.

RESOLVED
137/11

That the Development Consent Authority vary the requirements of clauses 7.1(Residential Density and Height Limitations) and 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 6115 (31) Clarke Crescent, Town of Nightcliff for the purpose of 6 x 3 bedroom multiple dwellings in a 4 storey building including ground level carparking, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the commencement of works (including site preparation) a full set of amended plans 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 must be provided, and be generally in accordance with the plans submitted with the application but modified to show:
 - (a) A schematic plan to demonstrate how stormwater will be collected on the site and discharged to Council's stormwater drainage system, to the requirements of Darwin City Council, to the satisfaction of the consent authority; and
 - (b) The provision of a landscaping plan for the site, with this to include a planting schedule specifying plant species, quantities, pot sizes and size at maturity for all plants to be provided on site, to the satisfaction of the consent authority.
 - (c) The applicant/ developer is to liaise with Power and Water Corporation as to the acceptability of utilising the existing substation on Lot 6116 for the development on Lot 6115. Confirmation that a package substation is not required on the subject site, and for the plans to be amended accordingly, or that a reasonable attempt has been made to exploit the substation on Lot 6116

in favour of one on the subject site, is to be provided to the consent authority, to the satisfaction of the consent authority.

GENERAL CONDITIONS

2. Works carried out under this permit shall be in accordance the plans endorsed as forming part of this permit.
3. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity and telecommunications services to the land shown on the endorsed plan in accordance with the authorities' requirements.
5. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the Council, to the satisfaction of the consent authority.
6. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of, and be at no cost to 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;All to the technical requirements of, and at no cost to, Darwin City Council, and 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; and
 - (d) drained;to the satisfaction of the consent authority.
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
9. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
10. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

11. 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.
12. 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.
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 to ground level in a controlled manner to the satisfaction of the consent authority.
14. 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.
15. 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 developer is to contact Telstra via the following website prior to any work commencing to facilitate the installation of the Telstra network: <http://www.telstrasmartcommunity.com/>.
2. The Power and Water Corporation (PAWC) advise that the water service to the units is to be multi-metered.
3. PAWC advise that the developer/ applicant is required to make payment in accordance with the Power and Water Corporation's 'water and sewerage services extension policy' (WASSEP) prior to the receipt of development clearance from PAWC.
4. PAWC advise that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and the Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of one month prior to construction works commencing to determine servicing requirements and the need for upgrading of infrastructure.

REASONS FOR THE DECISION

1. The proposal to develop and use the site for the purpose of 6 x 3 bedroom multiple dwellings in a 4 storey building including ground level carparking is consistent with the primary purpose of Zone MR (Medium Density Residential), which is to "provide for a range of housing options to a maximum height of four storeys" and the development is considered to be of a "scale, character and architectural style [that is] compatible with the streetscape and surrounding development".

2. A schematic stormwater plan is required in order for the development to demonstrate that it is technically feasible to collect stormwater on the site and dispose of it into Council's stormwater drainage system, and to ensure that no stormwater will sheet-flow into the road reserve or onto adjoining properties.
3. A detailed landscaping plan is required to ensure that the bulk of the development is minimised and that the impact on the surrounding lots is acceptable.
4. There is a requirement for the applicant/ developer to liaise with Power and Water Corporation over the possibility of reducing or eliminating the electricity easement shown on the southeastern end of the site as this could see an increase in the area of communal open space or landscaping available to future residents in an improved layout, and if accepted will have no impact on the availability of electricity to the locality as a whole. It is noted that if, upon investigation, it is found that the easement is required, that the development will still be compliant against all requirements for open space and landscaping.
5. A variation to clause 7.1 (Residential Density and Height Limitations) of the Northern Territory Planning Scheme is supported as the variation sought is minor, being of 2% or 16m², and the development satisfies the purpose of the clause, in that it is "of a density compatible with the existing and planned provision of reticulated services and community facilities that will service the area, is consistent with land capability, and is of a height compatible with adjoining or nearby existing development, or development reasonably anticipated". This is in line with clause 4.2(a)(iii) of the Planning Scheme, which seeks to provide for the "orderly and appropriate expansion of development in the [Darwin] that maximises existing development options, including urban infill".
6. A variation to clause 7.3 (Building Setbacks of Residential Buildings) is supported as the development satisfies the purpose of the clause, the non-compliances are minor and with streets on two sides and a park to the south, there is little impact. The building's western elevation includes no windows to habitable rooms and screening along all balconies, while that portion of residential Lot 6114 includes a carpark across the front of the site, such that no overlooking shall result. The large balconies to each façade break up the building mass, and additional screening is to be imposed through the requirement for a proper landscaping plan to further soften the building and reduce potential overlooking and apparent massing impacts.

In summary, the special circumstances identified for a variation to the requirements of clause 7.3 relate to the degree of articulation provided, the lack of potential impacts on the locality due to there being only one adjoining residential lot, and the appropriateness of the design for the site and locality.

7. The proposed development is largely compliant with the relevant controls, is appropriate for the site and locality, and has little potential impact on the surrounding area. Consideration has been given to the streetscape and surrounding developments.

ACTION: Notice of Consent and Development Permit

ITEM 5 **SHED ADDITION TO AN EXISTING SINGLE DWELLING WITH A REDUCED**
PA2011/0330 **SIDE SETBACK**
 LOT 1159 (11) SANDERLING STREET, TOWN OF SANDERSON
APPLICANT **JB INDUSTRIES (NT) PTY LTD**

The applicant did not attend.

Submitters Mr Garry and Mrs Joan Mettam attended.

RESOLVED
138/11

That pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 1159 (11) Sanderling Street, Town of Sanderson for the purpose of a shed addition to an existing single dwelling with a reduced side setback, to require the applicant to provide the following additional information that the Authority considers necessary in order to enable proper consideration of the application:

- Special circumstances which justify the giving of consent to the development;
- Should adequate special circumstances be unable to be identified, submission of amended plans to set the proposed shed back further from the side boundary to either comply, closely or partially comply with the 1.5m setback requirement; and
- In light of the amended plans, should a variation to Clause 6.11 (Garages and Sheds) still be required, identification of special circumstances which justify the giving of consent to the amended plans.

REASON FOR THE DECISION

The Development Consent Authority could not identify special circumstances which justified the giving of consent to the proposal. The applicant did not attend the meeting therefore it was not possible to explore alternative sitting locations and configurations of the proposed shed or canvas what special circumstances existed.

ACTION: Advice to Applicant

ITEM 6
PA2011/0365

**EXTENSION TO AN EXISTING SINGLE DWELLING WITH REDUCED FRONT
AND SIDE SETBACKS**

APPLICANT

**LOT 5264 (28) ADCOCK CRESCENT, TOWN OF NIGHTCLIFF
JB INDUSTRIES (NT) PTY LTD**

The applicant did not attend.

**RESOLVED
139/11**

That pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 5264 (28) Adcock Crescent, Town of Nightcliff for the purpose of extension to an existing single dwelling with a reduced front and side setback, to require the applicant to provide the following additional information that the Authority considers necessary in order to enable proper consideration of the application:

- Special circumstances which justify the giving of consent to the development;
- Should adequate special circumstances be unable to be identified, submission of amended plans to set the proposed garage, carport and verandah back further from the side boundary to either comply, closely or partially comply with the 1.5m setback requirement; and
- In light of the amended plans, should a variation to Clause 6.11 (Garages and Sheds) and Clause 7.3 (Building Setbacks of Residential Buildings) still be required, identification of special circumstances which justify the giving of consent to the amended plans.

REASON FOR THE DECISION

The Development Consent Authority could not identify special circumstances which justified the giving of consent to the proposal. The applicant did not attend the meeting therefore it was not possible to explore alternative sitting locations and configurations of the proposed garage, carport and verandah or canvas what special circumstances existed.

ACTION: Advice to Applicant

ITEM 7
PA2011/0346
APPLICANT

**UNIT PLAN SUBDIVISION TO CREATE 6 UNITS
LOT 4608 (171) BAGOT ROAD, TOWN OF DARWIN
JOHN KYPREOS**

Late comments dated 7 July from Council were tabled.

Mr Medhat Gabriel (engineer) attended on behalf of the applicant.

**RESOLVED
140/11**

That pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 4608 (171) Bagot Road, Town of Darwin for the purpose of a unit plan subdivision to create 6 units, to require the applicant to provide the following additional information that the Authority considers necessary in order to enable proper consideration of the application:

1. Written identification and justification of the existing developments non-compliances with Part 4 of the NT Planning Scheme;
2. Additional information with regard to what upgrades are proposed in accordance with clause 11.1.4 (Subdivision for the Purposes of a Unit Title Scheme) which states that "a lawfully established use or development on a lot may be subdivided to create a unit title scheme only if the use or development has been upgraded to meet the performance criteria within Part 4 of the planning scheme that apply to the use or development of the land." If it is considered that upgrades are not a practicable design solution, adequate information must be provided with regard to why this is the case;
3. Plans for informing the subdivision including a site plan, showing but not limited to, the vehicle crossovers to Bagot Road, private open space for each dwelling, communal open space, landscaping areas and road verge features (such as power poles, foot paths, side entry pits, dimensions and the like); and
4. Alternative car parking layouts and written support for the preferred layout (be it the current submitted layout or an alternative).

REASON FOR THE DECISION

Further information is required to clarify the particulars of the application in order to enable an accurate assessment of the application.

ACTION: Advice to Applicant

ITEM 8
PA2011/0348
APPLICANT

DEPENDANT UNIT ADDITION (EXCEEDING 50M² IN AREA) TO AN EXISTING SINGLE DWELLING WITH A REDUCED FRONT SETBACK, LOT 5390 (27) LAMBELL TERRACE, TOWN OF DARWIN MASTERPLAN NT

Mr Brad Cunnington (Masterplan NT) and Mr David Flint (owner) attended and tabled amended plans of the first floor and roof, existing garage plans and elevations.

Submitters Mrs Kim Leslie and Mrs Jodie McLeod attended.

Mrs McLeod advised that her husband sends his apology as he is unable to attend as he is interstate and tabled correspondence from Patty Buntine (submitter) who is unable to attend.

RESOLVED
141/11

That the Development Consent Authority vary the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) and 7.10.4 (Dependant Units) of the NT Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 5390 (27) Lambell Terrace, Town of Darwin for the purpose of a dependant unit addition (exceeding 50m² in area) to an existing single dwelling with a reduced front setback subject to the following conditions:

CONDITION PRECEDENT

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

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with drawings PA2011/0348/1 endorsed as forming part of this permit.
3. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity and telecommunication services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. All air conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on the neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
6. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
7. The dependant unit is to be used only for the purpose of providing accommodation for a dependant of a resident of the existing single dwelling .

NOTES:

1. This development permit does not grant "building approval" for the proposed structure. The Building Code of Australia requires that any structure within 900mm of a boundary meets minimum fire resistance level requirements and you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing demolition or construction works.
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

REASONS FOR THE DECISION

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**These minutes record persons in attendance at the meeting and the resolutions of the Development Consent Authority on applications before it.
Reliance on these minutes should be limited to exclude uses of an evidentiary nature.**

1. Whilst the Development Assessment Services report to the Development Consent Authority recommended that the application be deferred, adequate information has been provided by the applicant at the hearing to satisfy the deferral information recommended, and to warrant approval.
2. Pursuant to section 51(a) of the *Planning Act*, the Development Consent Authority must take into consideration the planning Scheme that applies to the land to which the application relates.

The proposal requires a variation to Clause 7.3 (Building Setbacks of Residential Buildings) and Clause 7.10.4 (Dependant Units) of the NT Planning Scheme.

At the hearing the applicant detailed special circumstances which could allow the Development Consent Authority to favourably support a variation to Clause 7.3 (Building Setbacks of Residential Buildings). These are: the fact that Lambell Terrace tapers to a termination immediately in front of the subject site; the site is opposite vacant land Zone TC (Tourist Commercial) which has different density controls and provides for a different scale of development than if it were zoned SD; and there is no created streetscape or uniform built form beyond the termination of Lambell Terrace, orientation of lots to the north west to Kirkland Crescent. The presence of these special circumstances in the opinion of the Development Consent Authority provides unusual circumstance where the non-compliance, when considered in the context of the purpose of Clause 7.3, can be supported as the proposal is considered to be compatible with the surrounding development, avoids overlooking impacts and is of such a scale and design to minimise adverse effects of building massing when viewed from the public realm.

A variation to Clause 7.10.4 (Dependant Units) of the NT Planning Scheme is supported as the fact that the dependent unit is over size does not cause an adverse impact on the residential amenity of the adjoining property or nearby property. The building is associated with the residential use of the site and is designed to mitigate overlooking impacts on the adjoining land. In accordance with sub-clause 3 of Clause 7.10.4 (Dependent Units) the Development Consent Authority is satisfied that the dependent unit is appropriate to the site having regard to the potential impact of the dependant unit on the residential amenity of adjoining and nearby property.

3. Pursuant to section 51(e) of the *Planning Act*, the Development Consent Authority must take into consideration any submissions received. All issues raised in submissions were considered. In particular, amenity impacts, compliance with the NT Planning Scheme, property values and visual impacts. The applicant has provided a response which is considered to adequately address the concerns. Visual and amenity impacts, particularly associated with the height of the proposal, are

discussed by the applicant and are, in light of the proposal in question, considered as limited as possible.

4. Pursuant to section 51(n) of the *Planning Act*, the Development Consent Authority must take into consideration the potential impact on the existing and future amenity of the area. The building is associated with the residential use of the site, is designed to mitigate overlooking impacts on the adjoining land and has achieved compliance with the side setback requirements. The unusual configuration of Lambell Terrace, single large land holding on the opposite side of the road and the orientation of neighbouring properties to the north west to Kirkland Crescent restricts the scope for wider impacts and provides special circumstances which justifies the granting of consent. As such the no undue amenity impacts are thought to be experienced on the area now or in the future.
5. The Development Consent Authority carefully contemplated the issue of compliance with Clause 7.1 (Residential Density and Height Limitations) in relation to the height of the building. Whilst the history of the development of the subject site and the adjoining site is known, it is difficult to accurately determine the particulars of the levels of the land on the subject site and adjoining land and consequently accounts for the differences in height between the two sites. It is apparent to the Development Consent Authority that the applicant has achieved compliance with the side setback requirements which reduces the visual massing impacts which are to be experienced on the adjoining land if this setback was not achieved. The Development Consent Authority also accepted the findings contained in the report prepared by Earl James & Associates as to the height of the proposed development. As such, the Development Consent Authority has determined that in the context of the levels of the site and neighbouring property, the proposal is compatible with adjoining or nearby existing development or development reasonably anticipated by virtue of the adjacent TC (Tourist Commercial) zoning, non-conventional housing styles in the area such as Lot 5536, roof form of the building pitching away from the neighbouring lots, three storey building on the subject site, two storey buildings on adjoining sites, cohesive design of the building and landscaping on the subject site and topography across the wider area. Furthermore the Development Consent Authority has not found as a result of the proposal any undue amenity impacts are likely to be experienced on the adjoining lands.
6. In addition to sections 51(a), 51(e) and 51(n) of the *Planning Act* as referred to in Reasons for Determination 2, 3 and 4, the authority has fully considered the remaining sections of section 51 and has determined that there are no matters of such significance to the assessment of the application under these sections to warrant specific mention in these reasons.
7. The cumulative impact of the evidence provided by the applicant, including the level survey and commentary by Earl James and Associates, has informed the authority to such a point where they are of the opinion

that the favourable consideration of this application will not result in an outcome which is manifestly contrary to any provision of the Northern Territory Planning Scheme.

ACTION: Notice of Determination

ITEM 9
PA2006/0331
VARIATION - CHANGES TO WINDOW LOCATIONS AND AIR-CONDITIONING SCREENING
LOT 6083 (75) SABINE ROAD, TOWN OF NIGHTCLIFF
APPLICANT ACER FORESTER P/L

Ms Anastasia McCarthy (Acer Forester P/L) and Mr Manuel Zarufis (owner/developer) attended and tabled three photographs of the development and amended plans showing louvre shading of the air conditioning.

RESOLVED
142/11

That, pursuant to section 86 of the *Planning Act*, the Authority delegates to the Chairman the power under section 57(3) to determine the application to vary Development Permit DP06/0272 for changes to window locations and other minor external alterations, and changes to the location and screening of air conditioners subject to the applicant submitting plans showing:

- Details of the powder coated louvered slat screen (to be located as per the plan tabled at the Development Consent Authority meeting on 8 July 2011) including angle of the louvers, dimensions of the louvers, dimensions of the gap and dimensions of the screens to adequately screen the air conditioners.

ACTION: Advice to Applicant

ITEM 10
PA2010/0167
VARIATION - CHANGE FROM 60 STALLS IN 3 BUILDINGS TO 60 STALLS IN 4 BUILDINGS
LOT 5298 (20) DICK WARD DRIVE, TOWN OF DARWIN
APPLICANT MASTERPLAN NT

Mr Brad Cunnington (Masterplan NT) attended.

RESOLVED
143/11

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

1. Elevation plans of the buildings consistent with the site plans;
2. Landscape plans to reflect the proposed conditions along the Douglas Street property boundary;
3. Deletion of reference to caravan parking on the site plan

ACTION: Advice to Applicant

ITEM 11 **30M HIGH TELECOMMUNICATIONS FACILITY WITH ASSOCIATED**
PA2011/0323 **ANTENNAS AND EQUIPMENT SHELTER**
APPLICANT **SECTION 3942 (430) STUART HIGHWAY, HUNDRED OF BAGOT**
VODAFONE NETWORK PTY LIMITED

Ms Lynette Brandwood (on behalf of the applicant) attended.

RESOLVED That, pursuant to section 53(a) of the *Planning Act*, the Development Consent
144/11 Authority consent to the application to develop Section 3942 (430) Stuart Highway,
Town of Darwin for the purpose of a 30m high telecommunications facility with
associated antennas and equipment shelter, subject to the following conditions:

GENERAL CONDITIONS

1. Works carried out under this permit shall be in accordance with drawing numbers 2011/0323/1 through 2011/0323/3, 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.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity and telecommunications services to the land shown on the endorsed plan in accordance with the authorities' requirements.
4. The developer shall ensure that the stormwater run-off from the development site is collected and appropriately discharged into the local stormwater system, to the standards and approval of Darwin City Council and/ or the Department of Lands and Planning's Road Networks Division, to the satisfaction of the consent authority.
5. Obstacle lighting appropriate for night vision equipment will need to be installed on the monopole, to the requirements of the Department of Defence, to the satisfaction of the consent authority.

NOTES:

1. Darwin International Airport and the Department of Defence advise that separate requests for assessment and approval must be submitted to Darwin International Airport and the Department of Defence for any cranes used during construction that will infringe on either the Obstacle Limitation Surfaces (OLS) or Procedures for Air Navigation Services – Operations (PANS-OPS) surfaces for Darwin Airport.

2. The owner shall provide RAAF Aeronautical Information Service (AIS) with 'as constructed' details. RAAF AIS has a web site with a Vertical Obstruction Report Form www.raafais.gov.au/obstr_form.htm which can be used to enter the location and height details of tall structures.
3. It is advised that any works within the Stuart Highway road reserve will require a 'permit to work within a road reserve' from the Manager Road Operations, Road Projects Division, Department of Construction and Infrastructure.


REASONS FOR THE DECISION

1. The proposed monopole will not impinge on the primary purpose of Zone SC (Service Commercial), being "to provide for commercial activities which, because of their business or size of the population catchment, require large sites".
2. As per the purpose of clause 6.9 (Land in Proximity to Airports) of the Planning Scheme, the proposed telecommunications facility will not result in greater numbers of people occupying an area affected by aircraft noise, and will not impact on the character of the land. Any impact on the safety or efficiency of the airport has been assessed by the Darwin International Airport and Department of Defence, neither of which raised an objection to the proposal, subject to satisfaction of several conditions.
3. The proposal is consistent with the purpose of Clause 13.5 (Mobile Telephone Communications Towers etc) of the Northern Territory Planning Scheme, being to ensure that "the erection of mobile telecommunications towers and infrastructure do not unreasonably detract from the amenity of the locality".
4. Obstacle lighting appropriate for night vision equipment is required to be installed as the monopole is on a route commonly used by military helicopters arriving and departing Darwin International Airport. The applicant will need to liaise with the Department of Defence as, at the time of approval, there were no LED obstacle lights that also met the requirements of the Civil Aviation Safety Authority's Manual of Standards Part 139.
5. The facility will not unduly impact on the existing and future amenity of the area, as encouraged by section 51(n) of the *Planning Act*. The site is not located in proximity to any permanent residential premises, will not be of any detriment to the operation of the Hi Way Motel, and has shown consideration of views from the surrounding area and potential for co-location.
6. In line with section 51(p) of the *Planning Act*, the development will not impact on community safety, water safety or access for persons with disabilities. It has been confirmed that the level of electromagnetic emissions (EME) emitted by the proposed facility, as monitored by the

Australian Communication and Media Authority (ACMA), will not exceed the regulated levels in any way. It is for this reason that the proposal is considered to have no impact on the public interest with regard to health.

ACTION: Notice of Consent and Development Permit

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



PETER MCQUEEN
Chairman

15/7/11