



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 293 – FRIDAY 21 APRIL 2017

BILLABONG ROOM
NOVOTEL DARWIN ATRIUM
100 THE ESPLANADE
DARWIN

MEMBERS PRESENT: Denis Burke (Chairman), Bob Elix, Garry Lambert and John Gleeson

APOLOGIES: Doug Phillips

OFFICERS PRESENT: Margaret Macintyre (Secretary), Hanna Steevens and May Patterson
(Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 10.00 am and closed at 11.30 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 **CARPORT AND VERANDAH ADDITION TO AN EXISTING SINGLE DWELLING**
PA2017/0084 **WITH REDUCED FRONT AND SIDE SETBACKS**
 LOT 3450 (7) YEADON CIRCUIT, TOWN OF NIGHTCLIFF
APPLICANT **GOLDBOX**

Mr Rui Mu (landowner) and Mr Peter Yeen attended.

Submitter Ms Leeanne Lee attended and showed members 14 photos of the subject site taken from her property.

RESOLVED
62/17

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 3450 (7) Yeadon Circuit, Town of Nightcliff for the purpose of carport and verandah addition to an existing single dwelling with a reduced front and side setback, to require the applicant to provide the following additional information necessary in order to enable the proper consideration of the application:

- Demonstration as to why the proposed side setback to the verandah cannot be increased to comply with the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) of the NTPS. Details of the roof structure including gutters and eaves are to be provided in the plans. Further justification for any continued non-compliances should also be provided and presented in the context of special circumstances which justify the giving of consent.
- Demonstration as to why the proposed front setback to the carport cannot be increased or the size of the carport cannot be reduced to achieve greater compliance with the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) of the NTPS. Further justification for any continued non-compliances should also be provided and presented in the context of special circumstances which justify the giving of consent.
- Any amendments to the application that arise as a result of the above information request.

REASON FOR THE DECISION

1. The request for additional information demonstrating special circumstances for the areas of non-compliance in relation to Clauses 7.3 (Building Setbacks of Residential Buildings) is considered necessary as the application does not adequately demonstrate that the proposal complies with the purpose of Clause 7.3 of the NTPS.

ACTION: Advice to Applicant

**ITEM 2
PA2017/0090
APPLICANT**

**3 X 2 BEDROOM MULTIPLE DWELLINGS IN TWO SINGLE STOREY BUILDINGS
PORTION 2507 (14) GLENEAGLES CRESCENT, HUNDRED OF BAGOT
MASTERPLAN NT**

Mr Jack Priestly (Masterplan NT), Mr Wayne Gabbert (Gabbert Design) and Mr Charlie Dickman (owner and developer) attended.

Mr Priestly tabled:-

- Correspondence from BG Group Engineers in relation to turning path for the units;
- Plan of the turning path profiles;
- Photo of grass in a turf cell;
- Photo of turf cells; and
- A landscaping plan.

**RESOLVED
63/17**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 2507 (14) Gleneagles Crescent, Hundred of Bagot for the purpose of three (3) x two (2) bedroom multiple dwellings in two single storey buildings, to require the applicant to provide the following additional information necessary in order to enable the proper consideration of the application:

- The carport to Unit 1 shall be increased in size to accommodate two (2) car parking spaces required to comply with Clauses 6.5.1 and 6.5.3 of the NTPS. Should this result in a non-compliance with the front setback, justification supporting the non-compliance as per Clause 7.3 (Building Setbacks of Residential Buildings) of the NTPS is required.
- Written advice from a suitably qualified person demonstrating that the carport spaces and parking layout is appropriately designed for its intended purpose and complies with the requirements of Clauses 6.5.1 (Parking Requirements) and 6.5.3 (Parking Layout) and relevant Australian Standards.
- Demonstration as to why the private open space requirements cannot be increased to achieve greater compliance with the requirements of Clause 7.5 (Private Open Space) of the NTPS. Confirmation of permission of access shall be sought from the owner of the adjoining private property (Darwin Golf Club) for the proposed gate opening to Units 2 and 3.
- Any amendments to the application that arise as a result of the above information request.

REASONS FOR THE DECISION

1. The request for additional information from a suitably qualified person demonstrating that the parking layout is appropriately designed for its intended purpose and complies with the requirements of Clauses 6.5.1 (Parking Requirements) and 6.5.3 (Parking Layout) and relevant Australian Standards is necessary as the application fails to demonstrate that the car parking area is appropriately designed for its intended purpose.

2. The request for additional information demonstrating greater compliance with the dimensional requirements of Clause 7.5 (Private Open Space) is necessary as the application does not adequately demonstrate that the proposed private open space complies with the purpose of this clause.

ACTION: Advice to Applicant

ITEM 3
PA2016/0660
APPLICANT

**ADDITION OF 2 X 3 BEDROOM MULTIPLE DWELLINGS TO EXISTING 2 X 3
BEDROOM MULTIPLE DWELLINGS IN 2 X 2 STOREY BUILDINGS
LOT 7636 (176) CASUARINA DRIVE, TOWN OF NIGHTCLIFF
RAW DESIGNS**

Mr Robert Watt (Raw Designs) and Mr Israel Kgoisemang (One Planning Consult) attended.

Mr Kgoisemang tabled a Storm Surge Management Strategy Plan and a letter responding to the DAS recommendation for deferral.

Submitter Ms Jodie Woolcock attended.

RESOLVED
64/17

That, pursuant to section 53 (c) of the *Planning Act*, the Development Consent Authority refuse consent to the application to develop Lot 7636 (176) Casuarina, Town of Nightcliff for the purpose of the addition of 2 x 3 bedroom multiple dwellings to existing 2 x 3 bedroom multiple dwellings in 2 x 2 storey buildings for the following reasons:

1. Pursuant to section 51(a) of the *Planning Act*, in considering a development application the Development Consent Authority must take into account the planning scheme that applies to the land to which the application relates.

Multiple dwellings are a discretionary use in Zone MD (Multiple Dwelling) of the NT Planning Scheme. Northern Territory Government mapping shows that the site is within an area impacted by Primary Storm Surge (PSSA) and the proposed development is therefore subject to the provisions of clause 6.14 (Land Subject to Flooding and Storm Surge) of the NT Planning Scheme. Clause 6.14 states that residential uses should be avoided in the PSSA to reduce risk to people, damage to property and costs to the general community caused by flooding and storm surge.

The Authority acknowledges that the application includes a proposed engineering solution to the risks associated with storm surge, however concerns remain that the existing ground floor dwellings will not be protected from stormwater inundation. The Authority therefore considers that the proposal does not adequately address the requirements of Clause 6.14 (Land Subject to Flooding and Storm Surge), and therefore does not demonstrate compliance with the purpose of the clause to reduce risk to people, damage to property and costs to the general community caused by flooding and storm surge.

The Authority also notes that the proposal does not comply with Clauses 6.5.3 (Parking Layout), 7.5 (Private Open Space) and 7.6 (Communal Open Space) of the NT Planning Scheme. Given that residential uses should be avoided in the PSSA, and the Authority's concerns that the proposal does not adequately comply with the requirements or purpose of Clause 6.14, further assessment of Clauses 6.5.3 7.5 and 7.6 is not considered warranted.

2. Pursuant to section 51(j) of the *Planning Act*, in considering a development application the Development Consent Authority must take into account the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.

The land is not considered capable of supporting the proposed development as compliance with Clause 6.14 has not been achieved, and the Authority is not satisfied that the proposed design satisfactorily mitigates the risk to life and property, minimises the potential adverse impact on infrastructure and the environment, and ensures that the proposed dwellings address inherent limitations on the land without adversely impacting on the surrounding locality.

ACTION: Notice of Refusal

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



ROBERT ELIX
Delegate

28/4/17

