



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 239 – FRIDAY 5 SEPTEMBER 2014

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

MEMBERS PRESENT: Grant Tambling (Presiding Member), Ross Baynes, Garry Lambert and Robin Knox

APOLOGIES: Denis Burke (Chairman), Bob Elix

OFFICERS PRESENT: Nicole Negrete (A/Secretary), Sally Cunningham and Anthony Brennan (Development assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 9.45 am and closed at 10.15 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.

That, pursuant to section 101(3) of the *Planning Act*, in the Chairman's absence the members of the Darwin Division of the Development Consent Authority elect Grant Tambling to preside at the meeting held on Friday 5 September 2014.

ITEM 1 **INDEPENDENT UNIT WITH A FLOOR AREA IN EXCESS OF 50M²**
PA2014/0544 **LOT 5089 (4) KILFOYLE CRESCENT, TOWN OF NIGHTCLIFF**
APPLICANT **GL TOWN PLANNING**

Chris Cheung (GL Town Planning) attended

RESOLVED
205/14

That, the Development Consent Authority vary the requirements of Clauses 7.3 (Building Setbacks of Residential Buildings) and 7.10.4 (Independent Units) of the Northern Territory Planning Scheme, and pursuant to Section 53(a) of the *Planning Act*, consent to the application to develop Lot 5089 (4) Kilfoyle Crescent, Town of Nightcliff for the purpose of an independent unit with a floor area in excess of 50m², subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the prior to the endorsement of plans and prior to the commencement of works (including site preparation), a schematic plan demonstrating the on-site collection of stormwater and its discharge into the local stormwater drainage system shall be submitted to and approved by the City of Darwin, to the satisfaction of the consent authority. The plan shall include details of site levels and stormwater drain connection points.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to City of Darwin to the satisfaction of the consent authority.
5. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the City of Darwin, to the satisfaction of the consent authority.

6. 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.
7. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

NOTES:

1. This development permit does not grant building approval. You are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing construction works.
2. This permit will expire if one of the following circumstances applies:
 - (a) the use is not started within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.The consent authority may extend the periods referred to if a request is made in writing before the permit expires.
3. 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.
4. A permit to work within a road reserve may be required from the City of Darwin before commencement of any work within the road reserve.

REASONS FOR THE DECISION

1. Pursuant to Section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. The proposal is consistent with the purpose of Zone SD (Single Dwelling), being to provide for single dwellings on individual lots.
2. A variation to the requirements of Clause 7.10.4 (Independent Units) for the development of an independent unit which exceeds 50m² is considered acceptable in this instance given the location of the independent unit towards the rear of the site, the achievement of required setbacks to adjacent properties and the single storey nature of the building, and given the existing lot size of 980m² being larger than the minimum lot size of 800m² in the SD Zone providing additional land area in which to accommodate the independent unit. Overall the proposal for an independent unit of 62m² is unlikely to adversely impact on local or streetscape amenity.
3. A variation to the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) to allow for a reduced setback between residential buildings located on a single site, and relating to the setback between the

independent unit and a solid garage wall is considered acceptable in this instance given the development is expected to achieve the objectives of the clause. The independent unit is well setback and will not be apparent or result in any adverse effects of building massing when viewed from Kilfoyle Crescent, will not result in overlooking or reduce breeze penetration as the garage is open at each end.

4. The City of Darwin advises that it is the sole authority responsible under the *Local Government Act* and associated by-laws for stormwater drainage and as such has requested details of the collection and discharge of stormwater for this proposal.

ACTION: Notice of Consent and Development Permit

ITEM 2
PA2014/0545

CARPORT ADDITION TO AN EXISTING SINGLE DWELLING WITH A REDUCED FRONT AND SIDE SETBACK
LOT 8801 (11) HIBERNIA CRESCENT, TOWN OF NIGHTCLIFF
BAYSIDE DESIGN & DRAFTING

APPLICANT

John Marshall (Bayside Design & Drafting) attended.

RESOLVED
206/14

That, pursuant to section 53(c) of the *Planning Act*, the Development Consent Authority refuse to consent to the application to develop Lot 8801 (11) Hibernia Crescent, Town of Nightcliff for the purpose of a carport addition to an existing single dwelling with a reduced front and side setback for the following reasons:

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the Planning Act, when considering an application the consent authority must take into account any planning scheme that applies to the land. The NT Planning Scheme applies to Lot 8801 with Clause 7.3 (Building Setbacks of Residential Buildings) specifying the minimum building setback requirements. Having considered the recommendation and reasons put forward in the Department's report, the consent authority believe that the proposal is inconsistent with the purpose of Clause 7.3 which seeks to ensure that residential buildings are located so they are compatible with the streetscape and surrounding development and minimise adverse effects of building massing. In this instance, the Authority believe that the development would be likely to result in adverse impacts in terms of building massing when viewed from the street given the height and design, and that the reduced setbacks are incompatible with the streetscape and surrounding development.

2. In accordance with Clause 2.5 (Exercise of Discretion by the Consent Authority) of the Planning Scheme, the consent authority may consent to a development that does not meet the standards of Part 4 of the Scheme only if it is satisfied that special circumstances justify the giving of consent. No special circumstances have been identified which justify such a significant departure from the minimum setback requirements of the NT Planning Scheme.

ACTION: Notice of Refusal

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



GRANT TAMBLING

Delegate

10/09/14

