



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 340 – FRIDAY 9 AUGUST 2019

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

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

APOLOGIES: Nil

OFFICERS PRESENT: Margaret Macintyre (Secretary), Dawn Parkes, Richard Lloyd and Amit Magotra (Development Assessment Services)

COUNCIL REPRESENTATIVE: James Whyte

Meeting opened at 10.15 am and closed at 12.05 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

**PA2019/0245 ALTERATIONS AND ADDITIONS TO AN EXISTING SINGLE DWELLING WITH REDUCED FRONT, SIDE AND REAR SETBACKS
LOT 3784 (14) PACKARD STREET, LARRAKEYAH, TOWN OF DARWIN
APPLICANT/S Neville Jones Services**

Mr Neville Jones (Neville Jones Services) and Mr Hully Liveris (Hully Liveris Design) attended.

**RESOLVED
129/19**

That, pursuant to section 46(4)(b) of the *Planning Act 1999*, the Development Consent Authority defer consideration of the application to develop Lot 3784 (14) Packard Street, Town of Darwin for the purpose of alterations and additions to an existing single dwelling with reduced front, side and rear setbacks to require the applicant to provide the following additional information that the Authority considers necessary in order to enable proper consideration of the application:

- Demonstration as to why the proposed side and rear boundary setbacks cannot be increased or the size of the development cannot be reduced to achieve greater compliance with the requirements of Clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures). Further justification for any continued non-compliance should also be provided and presented in the context of special circumstances which justify the giving of consent; and
- Any amendments to the application that arise as a result of the above information request.

REASON FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act 1999*, 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 Zone SD (Single Dwelling Residential) in that the land is identified for the development of single dwellings and ancillary structures. However, the proposal is not consistent with the required building setbacks from the adjoining property along the side and rear boundary setbacks of the site associated with the pool deck shade structure, bedroom, laundry, stairway and kitchenette (at level 1), and no special circumstances exist for reduced setbacks. It is considered that the proposal does not meet the purpose of clause 7.3 (Building Setback of Residential Buildings and Ancillary Structures) of the NT Planning Scheme, particularly in that the adverse effects of the proposal's building massing, when viewed from adjoining land, are not minimised, and compatible surrounding developments.

At the hearing, Mr Neville Jones (applicant) and Mr Hully Liveris (project architect) gave an overview of the background and architectural merits of the proposed development. Mr Liveris explained

to the Authority that the proposed architectural design is aimed at a tropical lifestyle and in minimising overlooking to surrounding properties. Mr Liveris also explained that there is an existing shed on adjacent Lot 3783 with a solid wall on the western boundary and that the proposed wall together with the main bedroom will improve the current outlook from the perspective of the subject lot. Further, Mr Liveris acknowledged that the design of the proposed development could be amended to demonstrate greater compliance with Clause 7.3 and was willing to undertake further discussions with the landowners and representatives from DAS.

The Authority, while acknowledging the architectural design of the proposed development, considered that the privacy being sought by the applicant is not exceptional or out of the ordinary to set the proposal apart from other developments on land zoned SD to justify the reduced setback being sought. The Authority considered that a 2.7m high block wall along the rear and western side boundaries and a 2.9m – 5.7m high block wall along the eastern side boundary (without any relief) may affect the amenity of the adjoining properties as the development, in terms of height and scale, is beyond what is ordinarily expected in Zone SD.

The Authority determined that the proposed variations to setback requirements for the gatehouse, trellis and toilet located on the front, side (west) and side (east) boundaries would likely be supported when the application is re-considered, as the application appeared to demonstrate special circumstances justifying the granting of consent for these particular elements of the proposed development.

ACTION: Notice of Deferral

ITEM 2

**PA2019/0249 CARPORT ADDITION TO AN EXISTING SINGLE DWELLING WITH A REDUCED FRONT SETBACK
LOT 3316 (21) THORNTON CRESCENT, MOIL, TOWN OF NIGHTCLIFF
APPLICANT/S Brian Lewins**

Mr Lewins sent his apologies.

Mr Hans Bormann and Mrs Suzanne Bormann (landowners) attended.

**RESOLVED
130/19**

That, pursuant to section 53(c) of the *Planning Act 1999*, the Development Consent Authority refuse to consent to the application to develop Lot 3316 (21) Thornton Crescent, Town of Nightcliff for the purpose of a carport addition to an existing single dwelling with a reduced front setback, for the following reasons:

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act 1999*, 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 Zone SD (Single Dwelling Residential) in that the land is identified for the development of single dwellings and

ancillary structures. However, the proposal is not consistent with the required building setbacks from the front boundary of the site and no special circumstances exist for a reduced setback. The proposed construction of the carport addition for the apparent security and protection from the elements for the caravan is not exceptional or out of the ordinary to set it apart from other developments on land zoned SD to justify the reduced setback. It is also considered that the proposal does not meet the purpose of clause 7.3 (Building Setback of Residential Buildings and Ancillary Structures) of the NT Planning Scheme, particularly in that the carport structure's proposed height (4.2m) would be above that of the existing dwelling on the land (by 300mm), and combined with the length and width of the carport structure (5.8m x 4.3m excluding eaves), is not compatible in scale with the existing dwelling or with the streetscape and surrounding development in general.

2. Pursuant to section 51(n) of the *Planning Act 1999*, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated.

The proposal is not consistent with the required building setback along the front boundary of the site and no special circumstances exist for a reduced setback. As such, it is considered an impact is likely on the existing and future amenity of the area in which the land is situated.

ACTION: Notice of Refusal

ITEM 3

PA2019/0157

ALTERATIONS AND ADDITIONS TO AN EXISTING SHOPPING CENTRE (CASUARINA SQUARE)

LOT 9576 (247) TROWER ROAD, CASUARINA, TOWN OF NIGHTCLIFF

APPLICANT/S

Northern Planning Consultants Pty Ltd

Mr Brad Cunnington (Northern Planning Consultants) and Mr Ben Needham (GPT-landowners) attended.

RESOLVED

131/19

That, pursuant to section 46(4) (b) of the *Planning Act 1999*, the Development Consent Authority defer consideration of the application to develop Lot 9576 (247) Trower Road, Town of Nightcliff for the purpose of alterations and additions to an existing shopping centre (Casuarina Square) 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 to demonstrate greater compliance with a car parking rate of 4.48/100m² of Gross Lettable Area – Retail (GLAR); and
- Further justification and evidence to support any remaining shortfall if a rate of 4.48/100m² of GLAR cannot be achieved.

REASONS FOR THE DECISION

1. The Authority noted that recent development approvals issued for the existing development (from 2013 onwards) applied a parking rate of 4.52/100m² of Gross Lettable Area (GLA) rather than the Northern Territory Planning Scheme

(NTPS) requirement (as per Clause 6.5.1 (Parking Requirements)) of 6/100m² of Net Floor Area (NFA). The current application references a rate of 4.48/100m² of Gross Lettable Area – Retail (GLAR) rather than a rate of 4.52/100m² of GLA. The Authority is satisfied to accept the new definition/rate as it appears to be consistent with the rate previously applied and likely includes slightly more floor area than previously calculated using GLA.

Applying a parking rate of 4.48/100m² of GLAR the proposed development results in a shortfall of 136 parking spaces. The applicant in support of the reduction makes reference to the parking surveys conducted in October 2018 which indicates that the peak parking occupancy for the proposed development is 86% (Saturdays) which equates to a demand rate of 3.86/100m² of GLAR. This is less than the peak demand rate of 4.17/100m² of GLA in August 2017 and 4.13/100m² of GLA in September 2013 parking surveys. The applicant also explained that the proponent has recently adopted a car parking management plan which includes enforced timed parking restrictions and designated staff parking areas. The applicant contends that this measure has increased the efficiency of the parking provided in the development.

The Authority noted the justification provided by the applicant both in the application and at the hearing for the reduction sought. However, the Authority considered that the parking rate of 4.48/100m² of GLAR and previous approvals issued for the existing development (applying 4.52/100m² of GLA) is already a significantly reduced rate when compared to the requirements of Clause 6.5.1 of the NTPS and granting a further reduction has the potential to result in insufficient parking for the development.

The Authority acknowledged that both City of Darwin and the Transport and Civil Services Division of the NTG requested submission of Traffic Impact Assessments and that Development Assessment Services had recommended the requirement of these documents through condition precedents on any permit issued. The Authority considered that it would prudent of the developer to undertake these assessments prior to any reconsideration of the application as it has serious concerns in relation to the existing and future traffic management in and around the site.

The Authority acknowledged that the proposed development would result in existing ground level car park spaces being relocated underground with the remainder of the above ground spaces being provided with shade through the provision of shade structures. While this is definitely a merit of the application, an observation was made as to the impact this may have on some of the larger vehicles (motorhomes, cars towing caravans, trucks etc.) that currently utilise the ground level car park, likely due to a height limit being imposed in the other above and underground car parks within the centre. The applicant may like to address this observation as part of its future traffic studies.

Notwithstanding that parking was the main point of discussion at the hearing, the Authority also acknowledged that there were other variations sought to the proposed development being variations to Clause 6.5.3 (Parking Layout) and Clause 6.6 (Loading Bays) of the NTPS. The Authority considered that a variation to the length of the parking spaces and to the overall number of loading bays could likely be supported as part of any re-submitted application, as the application appeared to demonstrate special circumstances justifying the granting of consent for these particular elements of the proposed development.

ACTION: Notice of Deferral

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

SUZANNE PHILIP
Chair
14 August 2019