



## **DEVELOPMENT CONSENT AUTHORITY**

### **PALMERSTON DIVISION**

### **MINUTES**

**MEETING No. 246 – WEDNESDAY 20 OCTOBER 2021**

**AGORA ROOM  
HUDSON PALMERSTON  
4 BERRIMAH ROAD  
BERRIMAH**

**MEMBERS PRESENT:** Suzanne Philip (Chair), Trevor Dalton, Ben Giesecke and Sarah Henderson

**APOLOGIES:** Steve Ward

**LEAVE OF ABSENCE:** Nil

**OFFICERS PRESENT:** Margaret Macintyre (Secretary) and Adelle Godfrey (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Apology

**Meeting opened at 10.00 am and closed at 10.30 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**

**PA2021/0233 ADDITIONS TO AN EXISTING DWELLING-SINGLE WITH REDUCED FRONT AND SIDE SETBACKS**

**APPLICANT LOT 6877 (16) SONDER CRESCENT, BAKEWELL, TOWN OF PALMERSTON**  
Rob Watt Designs

Rob Watt (Rob Watt Designs) and Israel Kgosiemang (One Planning Consult) attended.

**RESOLVED 42/21**

That, the Development Consent Authority vary the requirements of Clause 5.4.3 (Building Setbacks for Residential Buildings and Ancillary Structures) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act 1999*, consent to the application to develop Lot 6877 (16) Sonder Crescent, Bakewell, Town of Palmerston for the purpose of additions to an existing dwelling-single with reduced front setback, subject to the following conditions:

**GENERAL CONDITIONS**

1. The works carried out under this permit shall be in accordance with the drawings 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 electricity facilities to the development 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. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to City of Palmerston, to the satisfaction of the consent authority.
5. Any reinstatement works required as a result of any damage caused to infrastructure or landscaping must be undertaken by the developer, to the technical standards of and at no cost to the City of Palmerston, to the satisfaction of the consent authority. This includes grassing the verge between the property boundary and the kerb.
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.

**NOTES**

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([waterdevelopment@powerwater.com.au](mailto:waterdevelopment@powerwater.com.au))

and Power Network Engineering Section ([powerdevelopment@powerwater.com.au](mailto:powerdevelopment@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

1. Pursuant to section 51(1)(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 NT Planning Scheme 2020 applies to the land and the land is in Zone LR (Low Density Residential). Clause 1.8 (When development consent is required) sub-clause (1)(b)(ii)(2) states that consent is required where the use or development of land is shown as Permitted on the relevant assessment table in Part 4, but does not comply with the relevant development requirements as set out in Part 5. The application is *Merit Assessable* as variations are sought to the setbacks required under Part 5.

Clause 1.10 (Exercise of Discretion by the Consent Authority) requires the consent authority in considering an application under Clause 1.8(1)(b)(ii)(2) to consider the requirements in Part 5 that are not complied with and whether the proposal meets the purpose of the requirements. A variation is sought to the front setback required by Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures).

2. Pursuant to Clause 1.10 (Exercise of Discretion by the Consent Authority), subclause 5 of the NT Planning Scheme 2020, the consent authority may consent to a proposed development which is not in accordance with a requirement set out in Parts 3, 5 or 6 only if it is satisfied that the variation is appropriate having regard to:
  - (a) The purpose and administration clauses of the requirement; and
  - (b) The considerations listed under Clause 1.10(3) or 1.10(4).

The proposal has been found not to be in accordance with Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures), because the proposal will result in the outer wall of the storeroom being set back a minimum of 2.533m from the front boundary, and the roof setback 1.868m, where 6m and 5.1m is required. The proposal also results in the column of the carport being set back 2.563m, and the roof structure setback 0.959m, where 4.5m and 3.6m is required.

A variation to this clause is appropriate in this instance because:

- (a) The proposal is consistent with the purpose of Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures) in that the proposal is compatible with the orientation and design of the existing dwelling on the site, is compatible with the streetscape, minimises the effects of building massing through the provision of

screen fencing and landscaping, avoid undue overlooking, and facilitates breeze penetration.

The administration of this clause allows the consent authority to consent to a development not in accordance with the required setbacks, provided the reduced setback is consistent with the purpose of the clause and the zone purpose and outcomes, and is appropriate to the site having regard to such matters as its location, scale and impact on adjoining and nearby property.

The proposed carport is consistent with the purpose and outcomes of Zone LR (Low Density Residential), in that it is an anticipated development when associated with a dwelling-single. The shape of the lot, location and orientation of the existing dwelling limit alternative locations for a storeroom and carport with compliant setbacks. Whilst the setback is a significant reduction from the minimum required, the carport roof is designed to align with the existing verandah, and the design includes screen fencing and landscaping which will minimise adverse effects of building massing when viewed from Sonder Crescent.

The Authority noted the changes made by the applicant prior to the public hearing, including the submission of an amended design which included increased setbacks and additional landscaping. The amended design is considered of a more sympathetic scale and character that aligns with surrounding development and the streetscape.

(b) The considerations listed under Clause 1.10(3) or 1.10(4) do not apply to this application because the application became *Merit Assessable* under Clause 1.8(1)(b)(ii)(2), and under Clause 1.10(2), the consent authority only must consider the requirements in Part 5 that are not complied with for such applications.

3. Pursuant to section 51(1)(j) of the *Planning Act 1999*, the consent authority must take into consideration 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 has previously been developed with a dwelling-single and ancillary carport. No constraints or concerns with land capability have been identified that would prevent the development, and all requirements from service authorities have been addressed through conditions of the development permit. The site is considered capable of supporting the proposed additions.

4. Pursuant to section 51(1)(e) of the *Planning Act 1999*, the consent authority must take into consideration any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application.

One public submission was received during the exhibition period under Section 49 of the *Planning Act 1999* with respect to the proposal. The submitter was invited and did not attend the public hearing for the application.

The submitter lives to the south of the site and raised concerns including that the storeroom may be used as a workshop, that the storeroom would reduce the provision for off-street car parking promoting verge storage, and that the location of the proposal on the radius of the southern crescent will magnify the effect of the reduced setback.

The Authority considered the amendments made by the applicant prior to the public hearing, and the confirmation made by the applicant on the purpose of the storeroom being for domestic purposes and to store work tools, as the property currently has no shed. The Authority also considered the irregular lot shape and dwelling placement which makes it difficult for the development of a storeroom or carport of equivalent size that would meet the minimum setback requirements.

The submission also raised concerns regarding a 320mm setback between the storeroom and the neighbouring property, and the ability for the land owner to manage this narrow space. The amended design now has a larger setback and is now fully compliant to this side boundary.

5. Pursuant to section 51(1)(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 potential amenity impacts of the reduced front setback have been mitigated through the addition of 1.8m high screen fencing along the front boundary which will assist in screening the development. Landscaping is proposed along the front and side boundaries and there are existing established trees within the verge that will soften the appearance of the additions.

**FOR: 4**

**AGAINST: 0**

**ABSTAIN: 0**

**ACTION:**

Notice of Consent and Development Permit

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

**SUZANNE PHILIP**  
Chair

20 October 2021