



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 299 – FRIDAY 4 AUGUST 2017

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

MEMBERS PRESENT: Bob Elix (Presiding Member), Doug Phillips, John Gleeson and Garry Lambert

APOLOGIES: Suzanne Philip (Chair)

OFFICERS PRESENT: Margaret Macintyre (Secretary), Anthony Brennan and Alexandra Tobin (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 9.45 am and closed at 11.00 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 Chair's absence the members of the Darwin Division of the Development Consent Authority elect Robert Elix to preside at the meeting held on Friday 4 August 2017.

ITEM 1 **CARPORT ADDITION TO AN EXISTING SINGLE DWELLING WITH**
PA2017/0303 **REDUCED FRONT AND SIDE SETBACKS**
 LOT 1770 (85) CURLEW CIRCUIT, TOWN OF SANDERSON
APPLICANT **NAC PTY LTD**

Mr Michael Kuhn (NAC Pty Ltd) and Mr Rodney Patterson (landowner) attended.

Mr Kuhn tabled a site plan showing the columns.

RESOLVED
138/17

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 1770 (85) Curlew Circuit, Town of Sanderson, for the purpose of a carport addition to an existing single dwelling with reduced front and side setbacks to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

- Demonstration as to why the proposed front and side boundary setbacks 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 Northern Territory Planning Scheme. 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.
- Further details relating to stormwater management, areas of existing landscaping to be retained, and swept path diagrams showing how vehicles will access the proposed carport addition utilising the existing vehicle crossover.
- Any amendments to the application that arise as a result of the above information request.

REASON FOR THE DECISION

The request for additional information demonstrating special circumstances for the areas of non-compliance in relation to Clause 7.3 (Building Setback Requirements of Residential Buildings) is necessary as the application does not adequately demonstrate that the proposed setbacks comply with the purpose of Clause 7.3 of the Scheme.

ACTION: Advice to Applicant

DAS tabled a further submission including photo from Mrs Oliver.

Mr Peter Newbery (landowner) attended and tabled a vegetation plan.

Submitter Ms Robin Lion (advised that she was representing units 1 and 2 (6) Packard Street) attended.

Submitter Mrs Diana Oliver who is currently interstate was rang to attend via teleconference but did not answer the phone.

**RESOLVED
139/17**

That, pursuant to section 53(b) of the *Planning Act*, the Development Consent Authority alter the proposed development and consent to the proposed development as altered to develop Lot 3533 (8) Packard Street, Town of Darwin for the purpose of a demountable structure, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), amended plans to the satisfaction of the consent authority 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 and modified to show:
 - (a) Demountable Structure #1 and #2 removed from the plans;
 - (b) Demountable structure #3 to be further architecturally embellished including, but not limited to, painting or material treatments to the façade and roofline.

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 electricity facilities to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. 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.
5. The landscaping shown on the endorsed plans to the extent that provides screening to demountable structure #3 must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
6. Any remaining demountable structures on-site (except for demountable structure #3 approved through this permit) are to be removed from the site within 3 months of the date of the permit.

NOTES:

1. Based on discussions with the applicant at the Development Consent Authority meeting where this application was heard, the Authority understands that demountable structure #3 does not have Building Code approval. The applicant is advised to engage a building certifier, within the meaning of the Building Act, to ensure the demountable structure complies with the Building Act and associated Regulations.
2. The Power and Water Corporation advises that the 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

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into account the planning scheme that applied to the land to which the application relates.

The primary purpose of Zone SD (Single Dwelling Residential) is to 'provide for low density urban residential development'. Non-residential uses or development should be limited to those which predominantly service the local neighbourhood and do not have any detrimental effect on residential amenity.

The application states that the 3 x demountable structures have existed on Lot 3533, Town of Darwin for the past 10 years and have been used as storage space to support a small business. The application proposed the retention of two of the demountable structures on a long-term basis and the third for a period of 12 months. Based on comments from the applicant at the Development Consent Authority hearing, the authority understands that there are currently preparations in place to extend the area under the existing elevated dwelling to provide further storage areas onsite and negate the need for one of the structures.

The authority accepts that the site is heavily landscaped and the demountable structures are generally not visible from the street. However, the authority considers that proposed demountable structures #1 and #2 are not consistent with the zone requirements as they have the potential to detrimentally impact on the adjacent site to the west.

Subject to compliance with condition precedent 1 which requires architectural embellishment of demountable structure #3, and provided that landscaping is maintained on-site, detrimental impacts upon the residential amenity of the neighbouring property to the east is considered unlikely and the permanent placement of demountable structure #3 on-site is granted.

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

Two public submissions were received during the exhibition period under Section 49 of the Planning Act with respect to the proposal. The submissions raised concerns with amenity impacts and whether the demountables were appropriately certified to withstand a cyclone event.

For the reasons outlined above the authority has determined to alter the proposal and consent to the proposal as alerted with demountable structures #1 and #2 removed from the plans. This is considered to address the amenity impacts raised by the submissions. With regards to building certification, the authority considers this to be a building compliance matter rather than a planning matter, however a notation is included on the permit advising the applicant to engage a building certifier, within the meaning of the Building Act, to ensure the demountable structure complies with the Building Act and associated Regulations.

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

Provided that the applicant adheres to all recommended conditions, demountable structure #3 is considered appropriate for the site and unlikely to have an unreasonable amenity impact on the surrounding area given the extensive landscaping existing on-site.

ACTION: Notice of Determination

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



ROBERT ELIX
Presiding Member

10/8/17

