



DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 379 – FRIDAY 20 AUGUST 2021

OUT OF SESSION

MEMBERS:

Suzanne Philip (Chair), Marion Guppy, Mark Blackburn, Peter Pangquee, Simon Niblock

ITEM 1

**PA2021/0056 CARPORT AND SHED ADDITION TO AN EXISTING DWELLING-SINGLE WITH A REDUCED SIDE SETBACK
LOT 4487 (18) SEDGE COURT, KARAMA, TOWN OF SANDERSON**

APPLICANT Jass Hucks

RESOLVED 70/21 That, the Development Consent Authority vary the requirements of 5.4.3 (Building Setbacks of 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 4487 (18) Sedge Court, Town of Sanderson, for the purpose of a carport addition to an existing dwelling-single with a reduced side setback, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the City of Darwin 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 Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with 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, 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 City of Darwin to the satisfaction of the consent authority.
5. 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.

NOTES

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (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 land is within Zone LR (Low Density Residential) of the NT Planning Scheme. The purpose of the zone is to provide predominantly for low rise urban residential development comprising individual houses and uses compatible with residential amenity, in locations where full reticulated services are available. The zone outcomes relevant to the application include that dwellings and outbuildings are set back in a manner sympathetic to neighbours, the streetscape and scale and character of surrounding development; and building design, site layout and landscaping provide a sympathetic interface to the adjoining public spaces and between neighbours, provides privacy and attractive outdoor spaces.

An application for a carport and shed addition to an existing dwelling-single with a reduced side setback over Lot 4487 (18) Sedge Court, Town of Sanderson was considered by the consent authority on 11 June 2021. The application proposed a large shed and carport, measuring approx. 18m in length, 9.0m in width and 3.8m in height and setback 0.2m from the northern side boundary.

The Authority considered the proposed development visually imposing when viewed from the adjoining lot to the north. It did not achieve the purpose of Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures). Specifically, the proposed development did not minimise the adverse effects of building massing when viewed from adjoining land.

Consideration of the application was deferred to allow the applicant to provide further information to achieve greater compliance with the NT Planning Scheme 2020 (NTPS 2020), specifically with the purpose of Zone LR and Clause 5.4.3.

The applicant provided amended plans to address the points of deferral. The amended plans illustrate that both the shed and carport have been setback further from the northern boundary and that the shed is situated 1.5m from the northern side boundary, which complies with the setback requirements of Clause 5.4.3.

Therefore the only variation sought relates to the carport column situated 0.8m from the northern side boundary.

The development requirements of Part 5 of the NTPS 2020 include Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures), which requires that residential buildings and ancillary structures are setback a minimum of 1.5m from a side and rear boundary and 1.0m for carport columns.

- a) is compatible with the streetscape and surrounding development including residential buildings on the same site;
- b) minimises adverse effects of building massing when viewed from adjoining land and the street;
- c) avoids undue overlooking of adjoining properties; and
- d) facilitates breeze penetration through and between buildings.

Clause 5.4.3 sub-clause 1 states that the consent authority may consent to a development that is not in accordance with sub-clause 5 only if it is satisfied that the reduced setback is consistent with the purpose of this clause and the zone purpose and outcomes. It is appropriate to the site regarding to such matters as its location, scale and impact on adjoining and nearby property.

A variation to the requirements of Clause 5.4.3 to allow the carport column to be situated 0.8m from the northern side boundary where a 1m setback is required is considered acceptable for the following reasons:

- The irregular shape of the lot, location of the existing sewerage easement and the orientation of the dwelling present limited options to locate the carport. Requiring the column to comply with the 1.0m setback requirement would likely result in the cars parking in tandem rather than side by side;
- The single storey design is compatible with the local streetscape, is comparable to the neighbouring development and unlikely to have adverse effects of building massing when view from adjoining land;
- No undue overlooking is anticipated as no habitable rooms are proposed. Furthermore, the location of the development aligns with the neighbour's carport on the adjacent lot to the north;
- The open nature of the development will encourage breeze penetration through and between buildings; and
- The scale and character of surrounding buildings include ground level and two-storey dwellings and ancillary structures, with examples of structures sited with a setback distance to lot boundary less than the minimum required by the NTPS 2020.

2. 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 made under section 49 of the Act. Mr Ralph, the landowner of the neighbouring property to the north, initially indicated concerns relating primarily to the scale and reduced setback of the shed, as well as potential noise and heat impacts the proposal could have.

Mr Ralph was provided with a copy of the revised plans submitted by the applicant. Mr Ralph indicated that there were no concerns with the reduced setback of the carport column provided the proposed shed complied with all other requirements of the NTPS 2020.

The Authority notes the response received from the submitter. It further notes that the revised application has made significant alterations to the proposal resulting in a largely compliant development. The variation the applicant now seeks relates solely to the carport component of the application. The Authority considers the variation to reduce the side setback from 1.0m to 0.8m to be minor and is appropriate to the site having regard to the location of the carport, its scale and its impact on adjoining and nearby property.

3. 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 proposed shed and carport addition is unlikely to have any adverse impact on the existing or future amenity of the area. The requirement for a stormwater management plan to the requirements of City of Darwin will ensure that stormwater run-off is appropriately managed.

ACTION: Notice of Consent and Development Permit

RATIFIED AS A RECORD OF DETERMINATIONS MADE

SUZANNE PHILIP
Chair

24 August 2021