

DEVELOPMENT CONSENT AUTHORITY

DARWIN DIVISION

MINUTES

MEETING No. 280 – FRIDAY 5 AUGUST 2016

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

MEMBERS PRESENT: Denis Burke (Chairman), John Gleeson, Bob Elix and Garry Lambert

APOLOGIES: Doug Phillips

OFFICERS PRESENT: Margaret Macintyre (Secretary), Adelle Godfrey, Walter Hawkins and May Banh (Development Assessment Services)

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 9.30 am and closed at 9.50am

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 **CARPORT AND VERANDAH ADDITION TO AN EXISTING SINGLE DWELLING**
PA2016/0384 **WITH REDUCED FRONT SETBACK**
APPLICANT **LOT 2846 (35) KILIAN CRESCENT, TOWN OF NIGHTCLIFF**
KEVIN FORD

Mr Kevin Ford (applicant and landowner) and Mr Brian Lewins (Shed Boss) attended.

Mr Lewins tabled five photographs of the site.

RESOLVED That the Development Consent Authority vary the requirements of Clause 7.3
161/16 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Section 2846 (35) Kilian Crescent, Town of Nightcliff for the purpose of a carport and verandah addition to an existing single dwelling with a reduced front setback subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to 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 with dimensions and must be generally in accordance with the plans submitted with the application but modified to show:
 - a. Landscaping between the carport and front boundary.

CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. Before the use starts, the landscaping shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
4. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of drainage, sewerage and electricity facilities to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

6. 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.
7. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of City of Darwin, to the satisfaction of the consent authority.

The owner shall:

- (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways;
 - (c) collect stormwater and discharge it to the drainage network; and
 - (d) undertake reinstatement works;
- all to the technical requirements of and at no cost to the , (insert relevant Council or the Department of Lands, Planning and the Environment), to the satisfaction of the consent authority.

NOTES:

1. This permit will expire if one of the following circumstances applies:
 - a) the development 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.
2. This permit does not grant "building approval" for the proposed structure. The Building Code of Australia requires that certain structures within 900mm of a boundary meets minimum fire resistance level requirements and you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing demolition or construction works.
3. It was noted at the time of the determination that the owner will remove all unauthorised structures prior to the completion of the development.

REASONS FOR THE DECISION

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

The proposal was assessed against the relevant clauses of the NT Planning Scheme and is consistent with the type of development reasonably anticipated in Zone SD (Single Dwelling Residential).

Taking into account the reduced setbacks, the carport and verandah is determined to meet the purpose of Clause 7.3 because:

- Following advice from the applicant at the hearing, it was deemed that the majority of the structure will be effectively screened by existing and proposed landscaping.

A variation to Clause 7.3 (Building Setbacks of Residential Buildings) is granted for a reduced front setback.

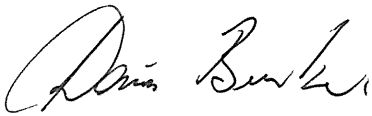
2. Pursuant to Section 51(n) of the *Planning Act*, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated.

It is considered that the addition of a carport to an existing single dwelling is consistent with the type of development reasonably anticipated in the area. The existing and proposed landscaping will reduce the visual bulk of the structure and it is thus determined that the proposal will have little or no impact on the visual amenity of the street and the adjoining land.

3. Pursuant to Section 51 (e) of the *Planning Act*, the consent authority must take into consideration any submissions made under Section 49 in relation to the development application. One public submission was received for the application which raised concerns about lack of information and context given in relation to the structure's proximity to adjoining houses, and the entry gate. Following further advice from the applicant at the hearing, it was determined that the structure would have little to no impact on neighbouring properties, and that access to the site would not be affected.

ACTION: Notice of Consent and Development Permit

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



DENIS BURKE
Chairman

8/8/16