



DEVELOPMENT CONSENT AUTHORITY

ALICE SPRINGS DIVISION

MINUTES

MEETING No. 269 – WEDNESDAY 9 MARCH 2021

**MEETING ROOM
ALICE SPRINGS DESERT PARK
539 LARAPINTA DRIVE
ALICE SPRINGS**

MEMBERS PRESENT: Suzanne Philip (Chair), Deepika Mathur, Chris Neck, Allison Bitar

APOLOGIES: Jimmy Cocking

OFFICERS PRESENT: Chay Garde, Jennie Ryan

COUNCIL REPRESENTATIVE: N/A

Meeting opened at 10:20 am and closed at 11:10am

THE MINUTES 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 **OUTBUILDING (CARPORT) ADDITION TO DWELLING-SINGLE WITH REDUCED BUILDING SETBACK TO SIDE BOUNDARY**
PA2022/0099 **LOT 501 (3) MILLS STREET, SUBURB OF CICCONE**
APPLICANT **SIMONE DANN**

Applicant, Simone Dann attended the meeting and spoke further to the application.

Submitters Patricia and William Beattie attended the meeting and spoke further to their submission. Mr Beattie tabled 2 sketches at the meeting for the members to view and a copy of each was provided to the applicant, Simone Dann for her information.

RESOLVED That, the Development Consent Authority vary the requirements of Clause 5.4.3
04/22 (Building Setbacks of Residential Buildings and Ancillary Structures) of the Northern Territory Planning Scheme 2020, and pursuant to section 53(a) of the *Planning Act 1999*, consent to the application to develop Lot 501 (3) Mills Street, East Side, Town of Alice Springs for the purpose of outbuilding (carport) addition to dwelling-single with reduced building setback to side boundary, subject to the following conditions:

CONDITONS PRECEDENT

1. Prior to the endorsement of plans, amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. Suitability of the amended plans will be at the discretion of the consent authority, having regard to the conditions precedent requirements. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensioned floor plans and elevations of the carport marked, and must be generally in accordance with the plans publicly exhibited but amended to show:
 - (a) an increased side setback from 0.3m to 0.7m to the western boundary;
 - (b) relocation of the outbuilding (carport) a minimum of 2 metres forward towards the front boundary;
 - (c) location of proposed gutters.

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. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to Alice Springs Town Council, to the satisfaction of the consent authority.
4. All stormwater runoff from impervious areas is to be contained within the site or discharged to the Council stormwater drainage system according to the Alice Springs Town Council Subdivision and Development Requirements, as at August 2018. If the developer discharges stormwater into Council's drainage system a permit to work within the road reserve must be obtained from Council before commencement of the work.

5. A "Permit to work within the Alice Springs Town Council Road Reserve" must be obtained prior to the construction of anything along the verge or laneway such as pipework, kerb, crossovers, footpaths and driveways.
6. 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.

NOTES

1. This development permit is not an approval to undertake building work. You are advised to contact a Northern Territory registered building certifier to seek a building permit as required by the Northern Territory *Building Act 1993* before commencing any demolition or construction works. Due to provisions in the National Construction Code (NCC), the subject lots may need to be consolidated before a building permit can be issued.
2. 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.
3. A "Permit to Work Within a Road Reserve" may be required from Alice Springs Town Council before commencement of any work within the road reserve.

REASONS

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 Northern Territory Planning Scheme 2020 (NTPS 2020) applies to the land and an outbuilding (carport) addition to an existing dwelling-single with a reduced building setback to the side boundary requires consent under Clause 1.8 (When development consent is required). It is identified as Merit Assessable under Clause 1.8(1)(b)(ii)(2); therefore, the zone purpose and outcomes of Clause 4.2 Low Density Residential, and Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures), need to be considered.

These clauses have been considered and it is found that the proposal complies with the relevant requirements of the Planning Scheme except for 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), sub-clause 5, of the *Northern Territory 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) 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.

The proposal has been found not to be in accordance with Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures), because it will result in a reduced side setback of between 0.3m to 0.7m, where 1.5m is required.

At the meeting, Ms Simone Dann spoke to the application and reiterated her reasons for requesting a 0.3 setback from the western side boundary. Ms Dann stated that the proposed location of the carport was due to the location of the existing vehicle access point (driveway) to the site which is also located on the western side of the lot.

In response to the submitters' concerns regarding amenity impacts, the applicant indicated that the carport would only marginally impact on the neighbour, limiting sunlight between 10am and noon. Ms Dann was also open to the idea of changing the colour/material of the carport roof to prevent excessive glare or heat, as well as, moving the carport closer to the front boundary to reduce any impact to the neighbour view

The Authority noted both the applicant and the submitters response, however determined that altering the roof material and/or colour was not required as the submitters ultimately indicated that moving the carport forward would resolve potential impacts.

The Authority considers that a variation to this clause is appropriate in this instance as the proposal, as amended, is consistent with the purpose of Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures) in that:

- The proposed development is considered compatible with the surrounding development as it is a form of development typical in a residential area;
- Whilst the proposed development has a reduced side setback, it will have a minimal effect on building massing due to the open sided design and excess setback from the front boundary.
- The proposed development avoids undue overlooking of adjoining properties as it is a non-habitable structure; and
- The open sided design of the building will maintain breeze flow/ circulation;

The proposal, as amended, is considered consistent with the purpose and objectives of Zone LR and meets the relevant zone outcomes. The carport is single storey and its design is considered sympathetic to the existing dwelling, the streetscape, as well as the scale and character of surrounding development. The structure is well setback from the primary street boundary (in excess of 4.5m), and is of a size and height which complements the existing dwelling.

3. Pursuant to section 51(1)(e) of the *Planning Act 1999*, the consent 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.

The application was referred to the owners of the affected adjoining neighbours, Unit 4/1A, Lot 6788 Town of Alice Springs for a period of two weeks from 28 January 2022 to 11 February 2022. One public submission was received under section 49(1) of the *Planning Act 1999*.

The formal submission raised concerns relating to run off from the gutters of the proposed car port and potential flooding, as well as, the roof of the carport blocking light and view to their dwelling, which in turn will reduce the amenity of their property.

At the meeting both submitters addressed their concerns as stated above and further added concerns relating to potential heat radiation effects off the roof.

Mr Beattie noted the poor quality of dimensioned plans provided by the applicant and confirmed the western boundary fence is 1.5m in height, while the existing lattice trim adds a further 300mm, it doesn't improve the neighbour's privacy to the same extent as a 1.8m high fence would.

Mr Beattie tabled a sketch illustrating the impact he deemed likely as a result of the carport. Mr Beattie spoke to the sketch and mentioned that a previous owner's carport, to the rear of the existing dwelling had less of an impact to their amenity. Ms Dann responded by advising that this area was much narrower and would prove problematic for her intended purpose.

The authority noted the submitter's further concerns and the applicant's proposal to increase the setback of the carport from 0.3m to 0.7m from the western side boundary. The authority also suggested moving the carport at least 2m closer to the front boundary. Such repositioning would not affect the front boundary setback and it would remain in excess of the required 4.5m.

A 0.7m setback from the western side boundary would achieve greater compliance with the provisions of Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures) and moving closer to the front boundary should reduce any adverse effects of building massing when viewed from adjoining property.

As such, a condition precedent is included in the recommendation which requests amended plans illustrating the carport situated 0.7m from the western boundary and a further 2 meters forward towards the front boundary.

4. 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 demonstrated capability to support the proposed development, having an existing dwelling-single constructed on the site. In addition, comments from service authorities do not identify any land capability concerns.

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 development is consistent with the purpose of Zone LR, providing for a dwelling-single and ancillary structures on individual lots. The overall scale of the development is similar to that which may be anticipated in the zone and is consistent with the character of dwellings in the surrounding area.

FOR: 4 AGAINST: 0 ABSTAIN: 0

ACTION: DAS to prepare a Notice of Consent and Development Permit

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

 Suzanne
Philip
2022.03.23
13:16:07
+09'30'

SUZANNE PHILIP
Chair
23 March 2022