



DEVELOPMENT CONSENT AUTHORITY

ALICE SPRINGS DIVISION

MINUTES

MEETING No. 254 WEDNESDAY 13 MAY 2020

VIA TELECONFERENCE

MEMBERS PRESENT: Suzanne Philip (Chair), Chris Neck, Deepika Mathur,
Jamie de Brenni, Marli Banks

APOLOGIES: Nil

OFFICERS PRESENT: Peter Somerville, Jennie Ryan

COUNCIL REPRESENTATIVE: Dilip Nellikat

PAWC REPRESENTATIVE: Karl Smith

Meeting opened at 10:15 am and closed at 11:15

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 SINGLE DWELLING ON LAND WITHIN A DEFINED FLOOR AREA, AN ANCILLARY WORKSHOP/ART STUDIO WITH A REDUCED SECONDARY STREET SETBACK, TEMPORARY PLACEMENT OF A TRANSPORT CONTAINER WITH REDUCED FRONT AND SIDE SETBACKS AND SHADE SAILS WITH REDUCED FRONT SETBACKS
PA2020/0117 LOT 10622, 2A ECHUNPA STREET, SUBURB OF THE GAP
APPLICANT RAINER CHLANDA

Rainer Chlanda attended the meeting via teleconference and spoke further to the application.

Dilip Nellikat (ASTC representative) attended the meeting via teleconference and spoke further to the Councils comments.

Karl Smith (Power and Water Corporation (PAWC) Water Services representative) attended the meeting via teleconference and spoke further to the comments submitted by PAWC Water Services.

RESOLVED 0057/20 That, the Development Consent Authority varies the requirements of clause 6.8 (Demountable Structures), clause 7.3 (Building Setbacks for Residential Buildings and Ancillary Structures) and clause 7.5 (Private Open Space) of the NT Planning Scheme, and pursuant to section 53(b) of the *Planning Act 1999*, alter the proposed development and consent to the proposed development as altered to develop Lot 10622 (2A) Echunpa Street, Suburb of The Gap, Town of Alice Springs for the purpose of a single dwelling and ancillary structures, including temporary placement of a demountable structure for ancillary workshop/storage use), 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 in Adobe PDF format, drawn to scale with dimensions and generally consistent with the plans publicly exhibited, but further modified to:
 - a) Comply with clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) with respect to all shade sails (plans must show heights and setbacks);
 - b) Increase the minimum setback distance between the dwelling (roof and walls) and the rear (southern) boundary to a minimum of 3m;
 - c) Limit the potential for overlooking from the store room window and the front door of the dwelling to the verandah to the rear of the dwelling on adjoining Lot 10621; and
 - d) Identify that 'Building 1' is a single dwelling; and 'Building 2' is a class 10a structure under the Building Code of Australia; and 'Building 3' is a temporary structure.

Amended plans and documentation prepared in response to the conditions precedent may be submitted to the Development Consent Authority C/- Development Assessment Services, Department of Infrastructure, Planning and Logistics, C/- Alice Springs Branch via email to das.ntg@nt.gov.au.

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. Notwithstanding that this development permit allows 2 years for the substantial commencement of works, if, within 12 months of the date of the permit, support columns for the dwelling have not been installed and the transport container attached to the columns at the location and height approved by the permit, both demountable structures (transport containers) must be removed from the site until such time as new support columns have been constructed, at which time the transport container may be returned to the site and placed on the support columns and the second container may be returned to the site for storage and workshop use.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities to the lot in accordance with the authorities' requirements and relevant legislation at the time.
5. 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. This condition is to the satisfaction of the consent authority on the advice of the Alice Springs Town Council.
6. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the Alice Springs Town Council, to the satisfaction of the consent authority.
7. The demountable structure with reduced front setback, as shown in the plans endorsed as part of this permit is approved on a temporary basis and must be removed prior to the approved single dwelling being occupied or within 2 years of the date of this permit, whichever is first, unless with the further consent of the consent authority.
8. The finished floor level for the dwelling must be no lower than 571.15 metres Australian Height Datum (AHD). Compliance with this condition may be demonstrated by providing 'as constructed finished levels confirmed by a Licensed Surveyor. This condition is to the satisfaction of the Development Consent Authority.

NOTES

1. This development permit does not grant "building approval" for the proposed development 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.
2. A 'Permit to Work Within a Road Reserve' is required from the Alice Springs Town Council before commencement of any work within a road reserve.
3. 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.

4. You are advised to contact 'Dial Before You Dig' prior to any excavation work.

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act 1999*, the Development Consent Authority (the consent authority) must take into consideration the NT Planning Scheme (the Planning Scheme). The site is located within the established suburb of The Gap, which is developed for a range of uses but predominantly one and two storey residential development in a broad range of architectural styles. The immediate locality of the site is developed predominantly with single storey residential development and ancillary buildings and with most buildings in Echunpa Street compliant with minimum front setback requirements. The proposed development is assessed as largely compliant with the objectives and provisions of the NT Planning Scheme and is approved subject to relevant conditions requiring minor revisions to better ensure no undue amenity impacts on the streetscape and adjacent properties.
 - a) The consent authority grants a variation to clause 6.8 (Demountable Structures) of the NT Planning Scheme to allow the temporary placement of a demountable structure (transport container) with:
 - (i) a setback of 1.5m from the front boundary instead of a minimum of 6m;
 - (ii) a roof setback of approximately 1.1m from the front boundary instead of a minimum of 5.1m; and
 - (iii) a roof setback of 0.52m to a side boundary instead of a minimum of 0.6m, as:
 - The structure is substantially screened by a 2.2m high solid fence and 'architecturally embellished' with a gabled roof and is approved to be located in its current position for a period not exceeding 2 years;
 - No public submissions were received objecting to the temporary placement of the container for use in association with proposed construction of the dwelling; and
 - The owner of the affected adjoining property has not made any submissions in relation to the application.
 - b) The consent authority grants a variation to clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) of the NT Planning Scheme with respect to the secondary street setbacks for a shed addition, as:
 - the addition (which has already been constructed) is barely visible above the existing 2.2m high boundary fencing on the affected boundary and no loss of amenity to the streetscape or any other property is considered to have resulted; and
 - no public submissions were received in relation to the application.
 - c) The consent authority grants a variation to clause 7.5 (Private Open Space) to allow a design that does not wholly comply with clause 7.5.2(b). The open space area is directly accessible from the kitchen, but does not allow an extension of the function of the dwelling, due to differences in levels between the dwelling and the open space. Having the open space at ground level may be expected to assist in ensuring a good level of visual privacy between the private open space on the site and adjacent properties.

The consent authority, in accordance with clause 2.5.4 of the Planning Scheme is satisfied that special circumstances, as outlined above justify the

giving of consent as granted, despite non-compliance with clause 6.8, clause 7.3 and clause 7.5 of the Scheme respectively.

The consent authority noted that:

- The streetscape is characterised by residential buildings and ancillary structures compliant with front setback requirements;
- The existing shade sails, particularly when viewed in conjunction with the transport container at the front of the site, may be considered to have some adverse impact on the visual amenity of the streetscape;
- The application did not detail the height of the shade sails;
- There is space on the site to locate the sails in a manner that complies with minimum setback requirements; and

was not satisfied that any special circumstances existed that justified the granting of the requested variations for the sails.

2. Pursuant to section 51(b) of the *Planning Act 1999*, in considering a development application the Development Consent Authority is required to take into account any proposed amendments to such a planning scheme:
 - That have been or are on exhibition under Part 2, Division 3;
 - In respect of which a decision has not been made under Part 2, Division 5; and
 - That are relevant to the development proposed in the development application.

A Planning Scheme Amendment proposed to repeal the current Northern Territory Planning Scheme and introduce the Northern Territory Planning Scheme 2020 (NTPS2020) was publicly exhibited from 6 March 2020 to 26 April 2020 and a decision has not yet been made under Part 2, Division 5 of the Act.

The consent authority noted that the application had been reviewed with regard to the proposed Planning Scheme and that Development Assessment Services envisaged that apart from removing the discretion to approve reduced setbacks for demountable structures in residential zones, the proposed changes to the Scheme would have minimal impact on the recommendations to the consent authority.

3. Pursuant to section 51(e) of the *Planning Act 1999*, in considering a development application the consent authority is required to take into account any submissions made under section 49 of the Act and any evidence or information received under section 50 of the Act.

The Alice Springs Town Council made a submission under section 49(3) of the *Planning Act* in relation to the application and identified its objection (based on a Council Policy on Demountable Structures) to the permanent placement of a demountable structure on the land. The Department of Infrastructure, Planning and Logistics has confirmed to the consent authority that a single dwelling to be constructed as a class 1a building is not subject to clause 6.8 (Demountable Structures) of the Planning Scheme as it is not considered to constitute a demountable structure, despite incorporating a transport container/s within its fabric. On that basis, the proposed dwelling does not contravene the Council's policy on demountable structures. The Council has further indicated that it has no objection to using temporary structures during the construction phase, as long as they are appropriately screened from public view. The storage/workshop transport container located in the north-western corner of the site is partially screened from the street and adjacent properties by existing solid boundary

fencing and embellished by a gable roof. The container is proposed to be removed following completion of construction works and the consent authority has decided that despite some adverse visual impact on the streetscape, the temporary placement of the structure as approved will not result in any long-term adverse impact.

The application was publicly exhibited in accordance with the *Planning Act* and Planning Regulations and no public submissions were received under section 49 of the Act.

4. Pursuant to section 51(h) of the *Planning Act*, the consent authority must take into consideration the merits of the proposal. The application advised that the development would be aesthetically pleasing and environmentally friendly as it uses recycled materials; and the design is innovative and cost effective.

The consent authority noted that the design of the dwelling will minimise the potential for displacement of water and associated off-site impacts in a defined flood event by using columns rather than site fill to achieve elevated floor levels.

5. 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.

The proposed dwelling will have a height of approximately 5.01m above ground level at the proposed minimum rear setback distance of 1.05m. The adjacent dwelling immediately to the south has no north-facing windows, but has a small private yard and verandah immediately to the south-eastern side of the eastern end of the proposed dwelling and the dwelling may be expected to result in some winter afternoon shading of part of the private yard area. Notwithstanding that:

- The design includes only obscure glass for south and east facing windows, ensuring no overlooking from the dwelling to the adjoining property to the south; and
- The Scheme allows a maximum height of 8.5m at the minimum rear setback of 0.6m to a roof (provided that the building is setback a minimum of 1.5m from the rear boundary);

some loss of amenity by virtue of winter overshadowing of private open space by the dwelling is possible. It is envisaged that increasing the rear boundary setback to 3m, as required to allow ready access to the sewerage infrastructure, would also reduce the extent of any overshadowing of the adjoining private yard.

Due to the raised floor level and proximity to the western side boundary, the design is expected to result in some overlooking from the front door and the proposed 'store room' window in the dwelling to the private open space verandah on adjoining Lot 10622 which is located near to the boundary and to the north-western side of the proposed dwelling. The design is required to be revised to improve privacy and better limit the potential for overlooking between the properties.

While requiring the workshop/storage container to be setback further from the street as part of any approval for temporary placement may improve the streetscape, it may detract from the amenity of Lot 10621.

Condition 2 is included with a view to ensuring that the site is not used for an extended term for storing transport containers, noting that both have been placed on site for some time without approval and that the proposed use of the container

closest to the street is for workshop/store only in association with the proposed construction of a dwelling (the other container at the rear of the site). Neither the workshop/storage container nor the 3 non-compliant shade sails are considered congruent with established building setbacks for other properties in the street and all are considered to contribute to some loss of visual amenity.

While the gabled roof and 2.2m high solid front fence may be considered to assist to some extent in integrating the container into the streetscape and could be considered grounds for allowing it to remain in its present position for a limited term, permanent approval is not recommended.

It is envisaged that requiring the shade sails to be modified to comply with setback requirements will reduce their visual impact on the streetscape.

6. Pursuant to section 51(m) of the *Planning Act 1999* the consent authority must take into consideration the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose. Relevant service authorities have been consulted and the conditions of approval are expected to duly recognise agency interests. In particular, it is noted that the Power and Water Corporation has identified to the effect that it does not support the proposed construction of the dwelling within 3m of the rear (southern) boundary of Lot 10622 due to its need to be able to access sewerage infrastructure on the site and that it had intended the creation of a 3 metre wide easement as part of the subdivision that created Lot 10622.
7. The conditions of approval and advisory notations are expected to assist in reasonably ensuring:
 - a) The orderly further development of the site;
 - b) Due recognition of flood related risk;
 - c) Due recognition of service authority interests; and
 - d) No undue impact on the amenity of adjoining properties or the locality.

ACTION: DAS to prepare a Notice of Determination to the applicant with a copy to ASTC

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

SUZANNE PHILIP
Chair

18 May 2020