



**DEVELOPMENT CONSENT AUTHORITY**

**ALICE SPRINGS DIVISION**

**MINUTES**

**MEETING No. 185 – WEDNESDAY 16 JULY 2014**

**DOUBLE TREE BY HILTON  
BARRETT DRIVE  
ALICE SPRINGS**

**MEMBERS PRESENT:** Peter McQueen, David Koch, Brendan Heenan and Steve Brown

**APOLOGIES:** Nil

**OFFICERS PRESENT:** Ben Taylor, Fraser Cormack and Kirra Morgan

**COUNCIL REPRESENTATIVE :** Dilip Nellikat

**Meeting opened at 10:00 am and closed at 10:10 am**

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**            **PA2014/0434 - DEVELOPMENT – SUBDIVISION FOR THE PURPOSE OF A UNIT TITLES SCHEME (4 LOTS COMPRISING OF 3 MULTIPLE DWELLINGS AND A COMMON PROPERTY AREA).  
LOT 2332, 22 NICKER CRESCENT, SUBURB OF GILLEN, TOWN OF ALICE SPRINGS  
C & M NEWTON AND S & T HAMPEL FAMILY TRUST**

Mr Chris Newton attended the meeting in support of the application and noted that the original dwelling on the lot was a 2 bedroom rather than a 3 bedroom dwelling.

Mr Dilip Nellikat attended the meeting on behalf of the Alice Springs Town Council (who made a written local authority submission in relation to the application) and did not provide further comment.

Development Assessment Services tabled an amended letter from Central Building Surveyors Pty Ltd (dated 15 July 2014).

**RESOLVED**            That, the Development Consent Authority, pursuant to section 53(a) of the *Planning Act*, consents to the application to develop Lot 2332 (22) Nicker Crescent, Suburb of Gillen, Town of Alice Springs, for the purpose of a subdivision for the purpose of a unit title scheme (4 units, including 3 multiple dwellings and a common property area), in accordance with the plan prepared by Brian Blakeman Surveys (as included in the development application) and subject to the following conditions:  
**0062/14**

#### **CONDITIONS**

1. Works carried out under this permit shall be in accordance with the drawing numbered PA2014/0434/1 and endorsed as forming part of this permit.
2. A statement from a registered Building Certifier is required, confirming that no building would cease to comply with the *Building Act* if the proposed subdivision (for the purpose of a unit title scheme) were to proceed. This condition is to the satisfaction of the consent authority.
3. Prior to new titles being issued for the units shown on the endorsed drawings, a Scheme Statement meeting the requirements of the Unit Titles Schemes Act (as confirmed by the Land Titles Office, Department of the Attorney-General and Justice) shall be submitted for endorsement by the consent authority.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage and electricity facilities, to the development shown on the endorsed drawing in accordance with the authorities' requirements and relevant legislation at the time.
5. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for approval by the Surveyor General.

## NOTE:

1. The Power and Water Corporation advise that the Water and Sewer Services Development Section ([landdevelopmentsouth@powerwater.com.au](mailto:landdevelopmentsouth@powerwater.com.au)) and the Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)) should be contacted via email a minimum of one month prior to construction works commencing to determine servicing requirements and the need for upgrading of infrastructure.

## REASONS FOR DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the Development Consent Authority must take into consideration the planning scheme that applies to the land to which the application relates. The proposed subdivision for the purposes of a Unit Title Scheme is consistent with:
  - the purpose, objectives and performance criteria contained in Clause 11.1.4 (Subdivision for the Purposes of a Unit Title Scheme) of the NT Planning Scheme; and
  - the multiple dwelling development that was approved by Development Permit DP12/0506 (as amended through Variation of Conditions permit DP12/0506A).
2. A Scheme Statement is required to be submitted for endorsement by the Development Consent Authority prior to new titles being issued in order to ensure that the Scheme Statement is consistent with the development approved by Development Permit DP12/0506 (as amended through Variation of Conditions permit DP12/0506A).
3. Pursuant to section 51(e) of the *Planning Act*, in considering a development application the Development 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 local authority submission under section 49(3) of the *Planning Act*, but did not identify any concerns in relation to the proposed development that have not already been addressed within the conditions attached to DP12/0506A. The matters raised in the submission have been noted by the consent authority.
4. Pursuant to section 51(m) of the *Planning Act*, the Development Consent Authority must take into consideration the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities or infrastructure to be provided by the developer for that purpose. The conditions of approval are intended to duly recognise service authority requirements and assist in ensuring the orderly servicing and development of the property.
5. Pursuant to section 51(q) of the *Planning Act*, in considering a development application (for a proposed subdivision on which a building is, or will be situated) the Development Consent Authority is required to take into account whether the building complies, or will comply, with any requirements prescribed by regulation in relation to the building. The site is developed with three dwellings. The application has not addressed all relevant matters listed under section 8C(2) of the

*Planning Regulations.* The conditions of approval are expected to assist in ensuring the subdivision of the land for the purpose of a unit title scheme will not result in non-compliance with the *Building Act*.

**ACTION:** Notice of Consent and Development Permit

**ITEM 2**            **PA2014/0463 - DEVELOPMENT – VERANDAH ADDITION TO EXISTING SINGLE DWELLING WITH REDUCED SIDE SETBACK LOT 5518, 40 GREVILLEA DRIVE, SUBURB OF SADADEEN, TOWN OF ALICE SPRINGS CENTRAL BUILDING SURVEYORS PTY LTD**

The applicant did not attend the meeting.

Mr Dilip Nellikat attended the meeting on behalf of the Alice Springs Town Council (who made a written local authority submission in relation to the application) and did not provide further comment.

**RESOLVED**  
**0063/14**

That, the Development Consent Authority varies the requirements of clause 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consents to the application to develop Lot 5518 (40) Grevillea Drive, Suburb of Sadadeen, Town of Alice Springs, for the purpose of a verandah addition to an existing single dwelling, subject to the following conditions:

**CONDITION 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 be provided electronically in Adobe PDF format. The plans must be generally in accordance with the plans submitted with the application but modified to clearly show:
  - a) the location and extent of the existing sewerage easement at it relates to Lot 5518; and
  - b) the minimum setback distances between:
    - (i) the southern side boundary and the verandah roof/gutter; and
    - (ii) the southern side boundary and the verandah support columns.

**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 retained on the site or collected and discharged into the drainage network to the technical standards of and at no cost to the Alice Springs Town Council, to the satisfaction of the consent authority.
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.

## NOTES:

1. This development 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.
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentsouth@powerwater.com.au](mailto:landdevelopmentsouth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto: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.
3. Telstra advises that the developer is required to contact "Dial Before You Dig" on 1100 to obtain a location of the Telstra Network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.
4. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites in the Northern Territory. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

## REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. The development is considered to be consistent with the form of development reasonably expected within Zone SD (Single Dwelling Residential) of the Northern Territory Planning Scheme.

A variation is granted to the side (south) building setback requirements contained in Clause 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme as:

- Due to the building footprint and floor layout of the existing single dwelling, the southern side of the site is unconstrained and considered the most suitable location for development of the verandah;
- The roof is expected to be the most visually prominent component of the verandah structure, and the eave is only 0.1m less than the standard minimum setback distance from the side boundary;
- The verandah is designed as an orderly extension to the existing dwelling will shelter part of the existing private open space area on the site and is expected to be compatible with the streetscape and surrounding development;
- The structure is not expected to have any adverse effects in terms of building massing when viewed from adjoining land or the street and is not expected to contribute to overlooking of adjoining Lot 5517; and

- The proposal is generally consistent with all other relevant objectives and provisions of the NT Planning Scheme;
- The height, roof pitch, building materials and colours of the proposed structure are compatible with the design of the single dwelling on the site. The "open" design (no walls/cladding to sides) is expected to facilitate breeze penetration.

In accordance with Clause 2.5 (Exercise of Discretion by the Consent Authority) of the NT Planning Scheme, the aforementioned design features and site conditions are considered to be sufficient special circumstances and justify the granting of a variation to Clause 7.3 of the Scheme.

2. Pursuant to section 51(n) of the Planning Act the consent authority must take into consideration the potential impact of development on the existing and future amenity of the area in which the land is situated. The proposed verandah is not expected to have any significant impact on the amenity of any adjoining property or the area in which the land is situated.
3. Pursuant to section 51(e) of the *Planning Act*, in considering a development application the Development 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 local authority submission under section 49(3) of the *Planning Act*, but did not identify any concerns in relation to the proposed development. The matters raised in the submission have been noted by the consent authority and a standard condition in relation to storm water drainage has been included on the development permit.
4. The application was referred to the registered owner of adjoining Lot 5517, Town of Alice Springs (the affected boundary) in accordance with the *Planning Act* and the Planning Regulations and no submissions were received.
5. The Power and Water Corporation has noted that there is a sewerage easement registered on the Title of Lot 5517, Town of Alice Springs, however, this information is not shown on the site plan that forms part of the development application. The conditions of approval are expected to assist in ensuring the orderly servicing and development of the site. Amended plans are required to confirm the proposed building setback distances of the support columns and roof eaves and verify that structures will not be located on or over the registered sewerage easement.

**ACTION:** Notice of Consent and Development Permit

**ITEM 3**

**PA2014/0387 - DEVELOPMENT - INDEPENDENT UNIT WITH A FLOOR AREA IN EXCESS OF 50M<sup>2</sup> AND REDUCED SIDE SETBACK + CARPORT & VERANDAH (EXISTING STRUCTURES) WITH REDUCED SIDE SETBACKS  
LOT 3625, 8 DAY STREET, SUBURB OF GILLEN, TOWN OF ALICE SPRINGS  
DNA STEEL DIRECT**

Susan Marshall (land owner) and Brad Oakes (applicant) attended the meeting in support of the application.

**RESOLVED  
0064/14**

That, the Development Consent Authority varies the requirements of clause 7.3 (Building Setbacks of Residential Buildings), clause 7.3.2 2 (Distance Between Residential Buildings on One Site) and sub-clause 2(b)(i) of clause 7.10.4 (Independent Units) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consents to the application to develop Lot 3625 (8) Day Street, Suburb of Gillen, Town of Alice Springs, for the purpose of a carport and verandah and an independent unit addition to an existing single dwelling, in accordance with the plans submitted with the development application, as amended through plans for the independent unit submitted on 9 July 2014 and subject to the following conditions:

**CONDITIONS**

1. The works carried out under this permit shall be in accordance with the drawings endorsed by the consent authority as forming part of this permit.
2. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
3. Any development on or adjacent to any easements on site must be carried out to the requirements of the relevant service authority, to the satisfaction of the consent authority.
4. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the Alice Springs Town Council, to the satisfaction of the consent authority.

**NOTES**

1. This development 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.
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentsouth@powerwater.com.au](mailto:landdevelopmentsouth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto: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.
3. Telstra advises that the developer is required to contact "Dial Before You Dig" on 1100 to obtain a location of the Telstra Network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.
4. The Northern Territory Environment Protection Authority advises that

construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites in the Northern Territory. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

## REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. The development is considered to be consistent with the form of development reasonably expected within Zone SD (Single Dwelling Residential) of the Northern Territory Planning Scheme.
2. Variations to clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme are supported, as:
  - a) the carport was constructed generally in accordance with the design and location approved under Development Permit DP04/0524 and is not considered to have any significant impact on the amenity of adjoining Lot 3626 (a single dwelling residential property) or the streetscape on account of the reduced setback;
  - b) the verandah was constructed with a reduced side setback to Lot 3624 (a public park), but is not considered to have any significant impact on the amenity of the park, streetscape or any property;
  - c) the proposed independent unit is set at an obtuse angle to the boundary of adjoining Lot 3626 with only bathroom windows to that boundary and no overlooking is envisaged on account of the reduced side setback;
  - d) the subject lot has a sewerage easement along its western boundary, that limits the area available for the construction of an independent unit of the size proposed; and
  - e) The selected location of the independent unit is flat, unconstrained land and connections to power, water and sewer services to the building will be more cost effective and technically easier than other positions on the site;
  - f) The scale of the three residential buildings in terms of floor area, building height, roof pitch, colours and setbacks is considered compatible with the character of the existing single dwelling, streetscape and other development within the suburb of Gillen.
3. A variation to clause 7.3.2 (Distance Between Residential Buildings on One Site) of the NT Planning Scheme is supported, as:
  - a) the independent unit has been designed for use in association with the single dwelling; and
  - b) the design is expected to provide for a satisfactory degree of privacy for the occupants of both dwellings, if it is used as a separate dwelling.
4. A variation to the maximum floor area limitation set out in sub-clause 2(b)(i) of Clause 7.10.4 (Independent Units) of the NT Planning Scheme is supported, as the proposed development and use of the independent unit as detailed in the application and described by the owner is not expected to result in any significant impact on the amenity of adjoining or nearby property in terms of noise, privacy or visual impacts and is appropriate for the site.



5. Pursuant to section 51(h) of the *Planning Act*, the consent authority must take into account the merits of the proposal. The proposed development will maximise the use of this land by providing additional accommodation options, while maintaining the residential amenity of the area.
6. 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 the proposed development will not impact on the residential amenity of the area due to the location of the existing dwelling, landscaping and fencing, the size of the allotment and the position of the proposed independent unit is not expected to create any undue overlooking or building massing affects to the adjacent property and streetscape. Neither the existing carport nor the existing verandah is considered to have significant impact on the amenity of any adjoining property or the area in which the land is situated.
7. The application was publicly exhibited in accordance with the requirements of the *Planning Act* and Planning Regulations and referred to the Alice Springs Town Council. No public or local authority submissions were received.
8. The conditions of approval are expected to assist in ensuring the orderly servicing and development of the site.

**ACTION:**

Notice of Consent and Development Permit

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



PETER McQUEEN  
Chairman

16/7 /2014