

DEVELOPMENT CONSENT AUTHORITY

ALICE SPRINGS DIVISION

MINUTES

MEETING No. 190 – WEDNESDAY 12 NOVEMBER 2014

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

MEMBERS PRESENT: Denis Burke, David Koch and Chansey Paech

APOLOGIES: Steve Brown

OFFICERS PRESENT: Peter Somerville, Ben Taylor, Fraser Cormack, Jenna Lovett and Jean Manda

COUNCIL REPRESENTATIVE : Dilip Nellikat

Meeting opened at 10.40am and closed at 10.55 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 DEVELOPMENT – INDEPENDENT UNIT WITH REDUCED BUILDING SETBACK
TO SECONDARY STREET
LOT 5533, 187 RAGONESI ROAD, SUBURB OF ROSS, TOWN OF ALICE
SPRINGS
PROJECT BUILDING CERTIFIERS PTY LTD**

Sandra Morley and Karl Smith attended the meeting in support of the application. The submitter did not attend the hearing. Mrs Morley tabled a letter in response to the public submission.

**RESOLVED
0091/14**

That, the Development Consent Authority vary the requirements of Clause 7.10.4 (Independent Units) of the NT Planning Scheme, and pursuant to section 53(b) of the *Planning Act*, alter the proposed development and consent to the proposed development as altered to develop Lot 5533, 187 Ragonesi Road, Suburb of Ross, Town of Alice Springs for the purpose of an Independent Unit, 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 two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) the independent unit setback a minimum of 10m from the site boundary to Stegar Road; and
 - (b) details of fencing and landscaping along the Stegar Road boundary of the site.

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. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply and electricity services to the development shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.
4. 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.
5. Stormwater is to be collected and contained within the site or 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.
6. The owner shall:

- (a) remove disused vehicle and/ or pedestrian crossovers; and
 - (b) undertake reinstatement works;
- all to the technical requirements of and at no cost to the Alice Springs Town Council, to the satisfaction of the consent authority.

NOTES:

1. Consent is for the development of one "independent unit" only. An "independent unit" is defined in the NT Planning Scheme as a 'an ancillary dwelling constructed on the same site as a single dwelling'. Any use/development that can be defined as more than two "dwellings" (i.e.: multiple dwellings or another independent unit) is prohibited under the NT Planning Scheme. "Dwelling" is defined as 'a building, or part of a building, designed, constructed or adapted as a self-contained residence'.
2. 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.
3. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentsouth@powerwater.com.au) and Power Network Engineering Section (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.
4. The Environment Protection Authority of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency's Noise Guidelines for Development Sites. 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.
5. A "Permit to Work Within a Road Reserve" may be required from the Alice Springs Town Council before commencement of any work within the road reserve.
6. This permit will expire if one of the following circumstances applies:
 - (a) the development and use is/are 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.

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, in considering a development application, the consent authority must take into account the planning scheme

that applies to the land to which the application relates. The independent unit use is consistent with the primary purpose of Zone RL (Rural Living) of the NT Planning Scheme, which is to provide for low-density rural living and a range of rural land uses.

2. In accordance with Clause 2.5 (Exercise of Discretion by the Consent Authority) of the NT Planning Scheme, 'the consent authority may consent to the development of land that does not meet the standard set out in Parts 4 or 5 only if it is satisfied that special circumstances justify the giving of consent. The consent authority having taken into account the matters contained in the development application, submissions, report prepared by Development Assessment Services and evidence given at the public hearing:
 - a) considered that no special circumstances for reduced building setbacks to the secondary street (Stegar Road) exist which would justify the consent authority granting a variation to the minimum standard of development set out in Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme; and accordingly
 - b) requires the application to be altered so that the building setback distances on the independent unit will comply with the minimum standards for development set out in Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme.
3. A variation to sub-clause 2(d) of Clause 7.10.4 (Independent Units) is granted to allow a separate effluent disposal system to be installed on the site to service the independent unit. Due to the siting of the independent unit, topographical constraints of the land, positions of existing vehicle access and buildings, and the cost and impracticalities involved in using the existing system on site, the existing system is not deemed suitable to support the additional development. Pursuant to sub-clause 4 of Clause 7.10.4 (Independent Units) the applicant has provided documentary evidence from a licensed certifying plumber and drainer stating that utilisation of the existing effluent disposal system is not viable to service the independent unit. For the reasons detailed above, a variation to sub-clause 2(d) of Clause 7.10.4 (Independent Units) is supported.
4. Pursuant to section 51(e) of the *Planning Act*, 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. One public submission was received in opposition to the application. The matters raised in the submission have been noted by the consent authority and are addressed within the conditions and notes of approval.
5. Pursuant to section 51(j) of the *Planning Act*, in considering a development application the consent authority is required to take into account 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 other land, the physical characteristics of which may be affected by the development. The land is reasonably flat and the location of the independent unit on the site is not identified as being liable to inundation in a 1% AEP Defined Flood Event. The surrounding area has been developed for rural living purposes and a single dwelling has been established on the site for over 30 years. As such, the land is considered capable of supporting the proposed development. The Department of Land Resource Management have not identified any concerns.

6. Pursuant to section 51(m) of the *Planning Act*, in considering a development application the consent authority is required to take into account 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:
 - (a) The conditions of approval are expected to assist in ensuring the orderly servicing and development of the site by recognising the technical requirements of service authorities in terms of electricity and water services, storm water drainage and vehicle access.
 - (b) Sub-clause 2(c) of Clause 7.10.4 of the NT Planning Scheme specifies that *an independent unit may be developed on a site provided that there is only one vehicle access point to the road, unless the relevant authority has approved a second access*. There are three vehicle access points to the subject site, the Alice Springs Town Council has requested a condition be included on the Development Permit recognising Council's requirements in terms of vehicle access to the site.

7. Pursuant to section 51(n) of the *Planning Act*, in considering a development application the consent authority is required to take into account the potential impact on the existing and future amenity of the area in which the land is situated. Stegar Road is the sole access point to the tourism enterprise located on Lot 8082 and subdivision approved by Variation of Conditions permit DP06/0596D. Altering the proposal so that the independent unit complies with the minimum building setback distances contained in Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme will ensure that the development achieves the purpose and objectives of Clause 7.3 and lessen the impact of the development on the existing and future amenity of the area.

ACTION:

DAS to prepare a Notice of Determination

**ITEM 2 DEVELOPMENT – INDEPENDENT UNIT WITH A FLOOR AREA EXCEEDING
50M² IN A SINGLE STOREY BUILDING
LOT 783, 14 WALLIS STREET, SUBURB OF EAST SIDE, TOWN OF ALICE
SPRINGS
CENTRAL BUILDING SURVEYORS**

Mr Paul Hinkly attended the meeting in support of the application and advised that the floor level of the independent unit will need to be a minimum of 0.25m above ground level to meet relevant plumbing and drainage requirements.

**RESOLVED
0092/14**

That, the Development Consent Authority vary the requirements of Clause 6.14 (Land Subject to Flooding and Storm Surge) and Clause 7.10.4 (Independent Units) of the NT Planning Scheme, and pursuant to section 53(b) of the *Planning Act*, alter the proposed development and consent to the proposed development as altered to develop Lot 783 (14) Wallis Street, Suburb of East Side, Town of Alice Springs for the purpose of an Independent Unit 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 endorsed, the plans will form part of the permit. The plans must be in Adobe PDF format and must be generally in accordance with the drawings prepared by Central Building Surveyors and submitted with the application, as amended through revised elevations (showing a finished floor level 0.25m above ground level) submitted on 10 November 2014, but further amended to:
 - a) show a minimum of 4 car parking spaces on the site; and
 - b) include a schedule of partial flood-proofing construction measures and materials for the independent unit. Partial flood proofing could be achieved through the use of construction materials and/or methods which will either:
 - i) exclude floodwater up to the 1 percent annual exceedence probability (1%AEP) flood level as it relates to the site for the independent unit; or
 - ii) resist deterioration during inundation 1%AEP inundation events.

GENERAL CONDITIONS

2. 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.
3. The independent unit must be partially flood-proofed in accordance with a schedule endorsed by the consent authority as part of this permit, to the satisfaction of the consent authority.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities and electricity services to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. Kerb crossings and driveways approved by this permit are to meet the technical standards of 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 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) and Power Network Engineering Section (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.
5. A Permit to Work Within a Road Reserve may be required from Alice Springs Town Council before commencement of any work within a road reserve.

REASONS FOR THE DECISION

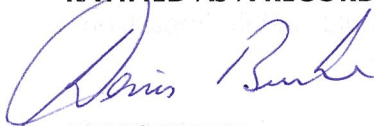
1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. The development is considered to be consistent with the form of development reasonably expected within Zone SD (Single Dwelling Residential) of the Northern Territory Planning Scheme.
2. A variation to sub-clause 5(b) of Clause 6.14 (Land Subject to Flooding and Storm Surge) of the NT Planning Scheme is supported, as:
 - (a) a floor level approximately 0.25m above ground level would be permitted as-of-right (by virtue of sub-clause 2(a) of Clause 6.14.2(a) of the NT Planning Scheme if the independent unit was constructed as an extension to the existing dwelling;
 - (b) the proposed independent unit is to be purpose built for a person/s with special access needs;
 - (c) the site is located approximately 650m from the Todd River floodway and just inside the area of land liable to flooding in a projected one percent annual exceedence probability (1%AEP) flood event;
 - (d) constructing an independent unit with floor levels similar to those for the existing single dwelling is not expected to present a significant risk in terms of risk to people, damage to property and costs to the general community caused by flooding; and
 - (e) conditions 1(b) and 3 of approval is expected to assist in ensuring that design and construction of the independent unit includes suitable partial flood-proofing measures.
3. A variation to sub-clause 5(c) of Clause 6.14 (Land Subject to Flooding and Storm Surge) of the NT Planning Scheme is supported, as the site is located approximately 650m from the Todd River floodway and just inside the area of land liable to 1%AEP flooding and is expected to have minimal impact in terms of displacing water in a 1%AEP flood event, such that it would unduly impact on other properties.
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 considered 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 as the position of the building is not expected to create any undue overlooking or building massing effects to the adjacent property or streetscape. The location of the proposed building complies with all setback requirements and will be setback 5 metres from the only adjoining residential lot (Lot 784, Wallis Street) and no significant impact on the amenity of any other property in the locality is expected. The proposed independent unit is not expected to have any 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. Pursuant to section 51(m) of the *Planning Act*, the consent authority must take into account the public utilities or infrastructure provided in the area in which the land is situated, services to be connected to the land and the requirement, if any, for those facilities or infrastructure to be provided by the developer.
 - (a) The conditions of approval are expected to assist in ensuring the orderly servicing and development of the site by recognising the technical requirements of service authorities in terms of electricity, sewerage and water services and vehicle access.
 - (b) Under sub-clause 7.10.4.2(c) of the NT Planning Scheme an independent unit may be developed with only one access to a road unless a second access has been approved by the relevant authority. The application identifies one access only (i.e. to Fitzpatrick Street). The owner has advised that a second (existing) access (i.e. from Wallis Street) will be used for parking spaces for the single dwelling. The Alice Springs Town Council is the controlling agency responsible for both roads and has requested that a standard condition relating to site access be included on any permit issued.

ACTION: Notice of Consent and Development Permit

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



DENIS BURKE
Chairman

18 / 11 / 2014