



DEVELOPMENT CONSENT AUTHORITY

ALICE SPRINGS DIVISION

MINUTES

MEETING No. 234 – WEDNESDAY 13 JUNE 2018

**DEPARTMENT OF TRADE, BUSINESS AND INNOVATION MEETING ROOM 2
1ST FLOOR, GREEN WELL BUILDING,
50 BATH STREET
ALICE SPRINGS**

MEMBERS PRESENT: Suzanne Philip (Chair via video link), David Koch, Alistair Feehan, Jamie de Brenni, Marli Banks

APOLOGIES: Nil

OFFICERS PRESENT: Peter Somerville, Anthony Brennan, Benjamin Taylor, Julie Driver, Jennie Ryan, Shannon Niland

COUNCIL REPRESENTATIVE: Stephen Baloban

Meeting opened at 11:00am 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 INDEPENDENT UNIT WITH A FLOOR AREA IN EXCESS OF 80M² AND ON LAND WITHIN A DEFINED FLOOD AREA
PA2018/0151 NT PORTION 1846, 170 HEFFERNAN ROAD, SUBURB OF CONNELLAN, ALICE SPRINGS
APPLICANT CATHERINE MORPHETT & ARVIN RAUCH

Arvin Rauch (Owner) and Brett Morton (Builder) attended the meeting and spoke further to the application.

RESOLVED 0056/18 That, the Development Consent Authority varies 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*, alters the proposed development and consents to the proposed development as altered to develop NT Portion 1846 (170) Heffernan Road, Suburb of Connellan, Alice Springs for the purpose of an independent unit, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation) the applicant shall submit amended plans to the satisfaction of the consent authority. When approved, the plans and documentation will be endorsed and will then form part of the permit. The plans must be in Adobe PDF format, drawn to scale with dimensions and generally consistent with the plans publicly exhibited, but modified to include:
 - (a) Details of the relative heights of:
 - (i) the “ground level” as defined in the NT Planning Scheme of the development area; and
 - (ii) the finished floor levels for all new “habitable rooms” within the extensions to the building (to be used as an independent unit) at a minimum height of 549.1m Australian Height Datum (AHD) (i.e. so that the “habitable room” additions to the existing building being converted to an independent unit are 300mm above the estimated 1 percent annual exceedance probability flood level (1% AEP level) as it relates to the site).
 - (b) Details/documentation showing:
 - (i) a common effluent disposal system that will service both the independent unit and single dwelling (details to be shown on site plan).
or
 - (ii) the location/s (on the site) of the effluent disposal system/s for the independent unit and single dwelling compliant with the performance criteria listed in sub-clause 4 of Clause 7.10.4 of the NT Planning Scheme;

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of the permit.

3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply and electricity facilities to the development shown on the endorsed drawings in accordance with the authorities' requirements and relevant legislation at the time.
4. Appropriate erosion, sediment and dust control measures are to be effectively implemented throughout the construction stage of the development to the satisfaction of the Development Consent Authority, on the advice of the Department of Environment and Natural Resources (DENR), including (but not limited to) effective management and stabilisation of surface cover. Information regarding erosion and sediment controls can be obtained from the IECA Best Practice Erosion and Sediment Control Guidelines 2008 available at www.austieca.com.au and the NTG website: <https://nt.gov.au/environment/soil-land-vegetation>.
5. The finished ground floor levels of all new "habitable rooms" created as part of the additions to the existing building to create the independent unit shall be no lower than 549.1 metres Australian Height Datum (AHD). The developer shall demonstrate compliance with this condition by providing "as constructed" finished floor levels (certified by a Licensed Surveyor). This condition is to the satisfaction of the Development Consent Authority.
6. Pursuant to section 34 of the *Land Title Act*, a Caution Notice shall be lodged with the Registrar General on NT Portion 1846, Alice Springs. The Caution Notice is to state that: "This allotment is subject to inundation in a one percent annual exceedance probability flood event". Evidence of registration of the notice is to the satisfaction of the consent authority.

NOTES:

1. 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.
2. This development permit does not grant "building approval" for the proposed works or change of use and you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing construction works.
3. NT Portion 1846 is located within the *Soil Conservation and Land Utilisation Act* Declared Erosion Hazard Area. The landholder must not undertake activities that will cause or exacerbate erosion associated with wind or water and must manage groundcover to ensure effective dust control.
4. 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.
5. You are advised 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.

6. 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.
7. Any new on-site wastewater disposal system to be installed must be carried out by a qualified licensed Self-Certifying Plumber and must comply with the NT Code of Practice for Small On-site Sewage and Sullage Treatment Systems and the Disposal or Reuse of Sewage Effluent (The Code)
8. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from the Department of Environment and Natural Resources. Information can be obtained from the IECA Best Practice Erosion and Sediment Control Guidelines 2008 available at www.austieca.com.au and the NTG website <https://nt.gov.au/environment/soil-land-vegetation>.

REASONS

1. Amended drawings/documents are required to ensure both dwellings (single dwelling and independent unit) will be serviced by a common effluent disposal system (the application as exhibited indicated an intention to comply with sub-clause 2(d) of Clause 7.10.4 of the NT Planning Scheme, however, details were not confirmed on the site plan). In the event that separate effluent disposal systems are required, the permit holder will need to demonstrate full compliance with sub-clause 4 of Clause 7.10.4 of the Scheme.
2. 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 purpose of Zone RL (Rural Living) of the NT Planning Scheme is to provide for low-density rural living and a range of rural land uses including agriculture and horticulture. The subject site has an area of 2.31 hectares and is currently developed with a single dwelling with no commercial, horticultural or agricultural uses. The proposed independent unit is of a scale and form that is expected to be compatible with other development in the locality.
3. A variation to sub-clauses 5(b)&(c) of Clause 6.14 (Land Subject to Flooding and Storm Surge) of the NT Planning Scheme is supported in this instance, as:
 - a) The development site:
 - (i) is approximately 480m from the Todd River floodway; and
 - (ii) located within a low density rural living area with limited site coverage on the subject site and surrounding land; and
 - b) Works will entail the change of use of an existing shed into an independent unit and additions to the building;

- c) The proposed additions would be directly downstream of the existing shed;
 - d) The development is expected to have negligible impact on the behaviour of flood waters in a 1% AEP event; and
 - e) It is envisaged that in the circumstances and given the limited change to the existing building footprint, fill limited to the building footprint is unlikely to have any discernible adverse impact on any other property in a 1% AEP flood event.
4. Under sub-clause 7.10.4.5 of the NT Planning Scheme, the consent authority may approve an application for an independent unit that is not in accordance with sub-clause 2 (b) only if it is satisfied the proposed independent unit is appropriate to the site having regard to the potential impact of the independent unit on the amenity of adjoining and nearby properties. A variation to sub-clause 2(b)(i) of Clause 7.10.4 (Independent Units) of the NT Planning Scheme, to allow the floor area of an independent unit to be larger than 80m² is supported in this instance, as:
- a) The proposed independent unit is single storey with substantial setbacks to all property boundaries;
 - b) The design of the independent unit (including a single bedroom and a single bathroom) suggests that it is likely to remain ancillary to the existing single dwelling on the site;
 - c) The development is an extension of an existing building; and
 - d) The extensions and change of use are not expected to have any significant impact on the amenity of any adjoining or nearby property, the streetscape or locality.
5. Pursuant to section 51(m) of the *Planning Act*, 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 to be provided to the developer for that purpose. The Power and Water Corporation has identified that reticulated electricity, water services are connected to the site. The application identifies that the proposed independent unit will be connected to an existing effluent disposal system (septic tank) shared with the existing single dwelling on the site.
6. Pursuant to section 51(n) of the *Planning Act*, the consent authority must consider the merits of the proposed development as demonstrated in the application. The proposed development is considered to have merit in that it is expected to offer future resident/s a good level of amenity without any significant impact on the character or amenity of the locality and adjoining properties.
7. Pursuant to section 51(p) of the *Planning Act*, in considering a development application, the Development Consent Authority is required to take into account the public interest. The site is identified as being liable to inundation in a 1% AEP Defined Flood Event. A Caution Notice is required to be placed on the land title with a view to ensuring that future owners / occupants of the site are aware of the flood liability and associated potential hazards and inconveniences.
8. The application was publicly exhibited in accordance with the *Planning Act* and Planning Regulations. No public or local authority submissions were received.

9. The conditions of approval are expected to assist in ensuring:
 - a) The orderly servicing and development of the site; and
 - b) That cost and safety risks associated with Todd River flooding are duly recognised.

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

Chair

20 June 2018