



DEVELOPMENT CONSENT AUTHORITY

ALICE SPRINGS DIVISION

MINUTES

MEETING No. 229 – WEDNESDAY 28 FEBRUARY 2018

OUT OF SESSION

MEMBERS:

Suzanne Philip (Chair)
David Koch
Alistair Feehan
Jamie de Brenni
Marli Banks

ITEM 1 **TEACHER RESOURCE ROOM ADDITION TO AN EXISTING EDUCATION ESTABLISHMENT IN A SINGLE STOREY BUILDING WITH REDUCED SETBACKS TO AN ADJOINING SD (SINGLE DWELLING RESIDENTIAL) ZONED PROPERTY**
PA2018/0021 **LOT 8621, 5 ALBRECHT DRIVE, SUBURB OF LARAPINTA, TOWN OF ALICE SPRINGS**
APPLICANT **INTEGRAL TRANSPORT SERVICES**

RESOLVED That, the Development Consent Authority varies the requirements of clause 8.3.2 (Setbacks for Commercial Uses adjacent to Land in Zones SD, MD, MR or HR) of the Northern Territory 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 Lot 8621 (5) Albrecht Drive, Suburb of Larapinta, Town of Alice Springs for the purpose of a teacher resource room addition to an existing education establishment in a single storey building, subject to the following conditions, for the following reasons:

CONDITIONS PRECEDENT

1. Prior to commencement of works (including site preparation), amended plans must be submitted for endorsement by the consent authority as part of this permit. Endorsement of the plans is at the discretion of the consent authority. The plans must be in Adobe PDF format, drawn to scale with dimensions and generally consistent with the plans originally submitted and publicly exhibited, but amended to include:
 - a) the setback distance between the approved building and the existing multi-purpose room immediately to its western side;
 - b) a detailed landscaping plan that complies with clause 8.3.3 of the NT Planning Scheme as it relates to the proposed building (Note: Clause 8.3.2 requires landscaping to provide a visual screen to the adjacent land Zoned SD for a minimum depth of 3m); and
 - c) written support from the Alice Springs Town Council for the proposed planting within the drainage easement abutting the building; and
 - d) 1.8m high solid and/or screen boundary fencing adjacent to the building for the length of the building and extending a minimum of 3m beyond the eastern and western ends of the building.

Plans may be further amended to include details of access for persons with a disability.

Amended plans and associated supporting documentation prepared in response to the conditions precedent may be submitted to the Development Consent Authority c/o Development Assessment Services, DIPL, c/o Alice Springs Branch via email to DAS.ntg@nt.gov.au. When endorsed, the plans will form part of the permit.

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. If plans endorsed under Conditions Precedent 1 do not detail access provisions for persons with a disability, amended plans detailing such provisions may be subsequently submitted for endorsement by the consent authority as part of this permit.
3. 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.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity services to the development shown on the drawings in accordance with the authorities' requirements and relevant legislation at the time.
5. Before the use/occupation of the teacher resource room starts, the landscaping and boundary fencing works required by Conditions Precedent 1 and shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
6. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.

NOTES:

1. This development permit does not grant "building approval" for the proposed works and you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing 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. You are advised to contact 'Dial Before You Dig' on 1100 or via <https://www.1100.com.au/contact/> prior to commencing digging.
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

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 applied to the land to which the application relates. The proposed teacher resource room addition to the existing education establishment is considered appropriate to Zone CP (Community Purpose) of the Northern Territory Planning Scheme and is considered consistent with the policy for the zone in the context of the established development of the locality and the characteristics of the site.
2. A variation to clause 8.3.2 (Setbacks for Commercial Uses adjacent to Land in Zones SD, MD, MR or HR) of the NT Planning Scheme allowing a minimum building setback of 4.33m from the northern side boundary, instead of a minimum setback of 5m, subject to conditions of approval requiring:
 - a) the endorsement by the consent authority of a detailed landscaping plan that complies with clause 8.3.3 of the NT Planning Scheme as it relates to the proposed building; and
 - b) written support from the Council for the proposed planting within the drainage easement abutting the building; and
 - c) 1.8m high solid and/or screen boundary fencing adjacent to the building for the length of the building and extending a minimum of 3m beyond the eastern and western ends of the building;
as:
 - (i) the building will maintain an established minimum boundary setback distance of approximately 4.33m to the affected boundary of the site; and
 - (ii) the conditions of approval are expected to assist in ensuring:
 - the protection of the visual and acoustic amenity of residential buildings on adjoining residential properties; and
 - that the development satisfies the intent of clause 8.3 of the NT Planning Scheme; and
 - that landscaping/planting within the drainage easement does not unduly compromise the functionality of the easement.

Under clause 2.5.3 of the 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 in circumstances set out in a provision of Parts 4 or 5, however, under clause 2.5.4 it may only do so if it is satisfied that special circumstances justify the giving of consent.

In this instance, the consent authority is satisfied that the aforementioned circumstances including the conditions of approval constitute specific circumstances that justify the granting of a variation to clause 8.3.2 of the Planning Scheme.

3. The proposal is generally consistent with all other relevant objectives and provisions of the NT Planning Scheme.
4. No adverse effect of building massing or overlooking to the adjacent residential properties is anticipated as the proposed building is single storey to a height of approximately 3.5m, windows will be a minimum of 4.33m from the affected boundary, existing dwellings on the adjoining lots are substantially setback from their respective rear boundaries and

required planting and boundary fencing may be expected to effectively limit the potential for any visual or privacy impact.

5. 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. No public or local authority submissions were received under section 49 of the Act.
6. Pursuant to section 51(h) of the *Planning Act*, in considering a development application the Development Consent Authority is required to take into account the merits of the proposed development as demonstrated in the application.
7. Pursuant to section 51(j) of the *Planning Act*, in considering a development application the Development 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 on other land, the physical characteristics of which may be affected by the development. The land is expected to be capable of supporting the proposed development without undue impact on other land.
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. The conditions of approval are expected to assist in ensuring the orderly servicing and development of the site in accordance with relevant service authority requirements.
9. Pursuant to section 51(n) of the *Planning Act*, the consent authority must take into account the potential impact on the existing and future amenity of the area in which the land is situated. The proposed addition is of a form and scale that may be expected for an education establishment in Zone CP and the development and use is not expected to have any significant impact on the amenity of adjacent residential properties. The recommended screening, including:
 - a) 1.8m high boundary fencing adjacent to the building residential properties; and
 - b) screen planting between the boundary and the building;
 - c) is expected to duly limit the potential for any loss of amenity to those residential properties. No amenity impacts on the broader locality are envisaged.
10. Pursuant to section 51(p) of the *Planning Act*, the consent authority must take into account the public interest, including (if relevant) how the following matters are provided for in the application:
 - (i) community safety through crime prevention principles in design;
 - (ii) water safety; and
 - (iii) access for persons with disabilities.

The application does not detail access for persons with disability. Building Advisory Services has confirmed that the teacher resource room will be required to comply with the NCC (National Construction Code) which

calls up AS 1428 Part 1 – General requirements for access for disabled persons in new buildings. The permit allows for revisions to the design to accommodate access for persons with a disability.

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
07 March 2018