



DEVELOPMENT CONSENT AUTHORITY

ALICE SPRINGS DIVISION

MINUTES

MEETING No. 230 – WEDNESDAY 14 MARCH 2018

**DOUBLETREE BY HILTON
SPINIFEX ROOM
82 BARRETT DRIVE
ALICE SPRINGS**

MEMBERS PRESENT: Suzanne Philip (Chair), David Koch, Jamie de Brenni, Marli Banks

APOLOGIES: Alistair Feehan

OFFICERS PRESENT: Peter Somerville, Benjamin Taylor, Fraser Cormack, Julie Driver, Jennie Ryan, Simon McKee

COUNCIL REPRESENTATIVE: Dilip Nellikat

Meeting opened at 11:35 am and closed at 1:10pm

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 RECONSIDERATION - CHANGE OF USE FOR PART OF BUILDING TO A LEISURE AND RECREATION FACILITY (CROSSFIT GYM)
LOT 4923, 81 ELDER STREET, SUBURB OF CICCONE
CROSSFIT ALICE SPRINGS**

Stacey Meaney and Ashley Augey attended the meeting and spoke further to the application

RESOLVED 0015/18 That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 4923, Unit 2, 81 Elder Street, Suburb of Ciccone, Town of Alice Springs for the purpose of a change of use for part of site to leisure and recreation facility (CrossFit gym) to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

1. More detail of actual works intended, specifically addressing physical noise attenuation measures (such as fencing and use of appropriate floor covering/mats); and
2. Any management procedures (potentially through a noise management plan), including:
 - a) limits to hours of operation,
 - b) use of music;
 - c) strict adherence to lowering of weights / not dropping;
 - d) no use of tyres, and
 - e) contact details for complaints and procedure for dealing with them.

ACTION: letter to applicant and submitters advising of deferral

**ITEM 2 SHED/GARAGE AND CARPORT ADDITIONS TO SINGLE DWELLING WITH REDUCED BUILDING SETBACKS TO FRONT AND SIDE BOUNDARIES
LOT 5297, 9 SENNA COURT, SUBURB OF SADADEEN
BENJAMIN OLIVER & ELENA KELLS**

Mr John Oliver attended the meeting on behalf of Ben Oliver and spoke further in support of the application.

Mr Dilip Nellikat, on behalf of the Alice Springs Town Council, responded to questions from the authority regarding access off Senna Court and possible works (landscaping) within the road reserve.

RESOLVED 0016/18 That, the Development Consent Authority vary the requirements of Clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) 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 5297, 9 Senna Court, Suburb of Sadadeen, Town of Alice

Springs for the purpose of shed/garage and carport additions to a single dwelling, subject to the following conditions:

CONDITIONS

1. Before the development starts, a landscape plan to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and two copies must be provided. The landscaping plan must be generally in accordance with the site plan approved as part of this permit, except that the plan must show:
 - a) all existing vegetation to be retained and/or removed;
 - b) a planting schedule of all proposed trees, shrubs and ground covers, and
 - c) landscaping / planting along the Senna Court frontage.All species selected must be to the satisfaction of the consent authority.
2. The works carried out under this permit shall be in accordance with the attached drawings and endorsed as forming part of this permit.
3. 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 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.
5. Before the use/occupation of the development starts, the landscaping works 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 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 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.
3. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@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. 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.
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.

REASONS

1. Pursuant to section 51(a) of the Planning Act, in considering a development application the Development Consent Authority must take into account the planning scheme that applies to the land to which the application relates. The application proposes a Carport addition with a reduced front setback, and a Shed/Garage addition with a reduced side setback. Aside from the reduced setbacks, the development is compliant with all other provisions of the NT Planning Scheme.
2. A variation is granted to Clause 7.3 (Building Setbacks of Residential Buildings & Ancillary Structures) of the NT Planning Scheme to allow a structure ancillary to a residential dwelling (shed/garage and carport) to have a reduced front setback and side setbacks for the following reasons:
 - The height, roof pitch, colours and building materials of the proposed structures are intended to blend in with the existing single dwelling;
 - An in-ground spa at the rear of the property restricts options to locate the shed further to the rear / off the side boundary;
 - The proposed structures will be constructed in line with the existing kerb crossover and driveway access to the site and provide all weather shelter to an area previously used for parking of vehicles associated with the single dwelling;
 - The footprint of the existing single dwelling and verandah limit the ability of compliant building setbacks to be achieved;
 - A 3.2m wide PAWC sewerage easement along the rear boundary also restricts development options;
 - The reduced building setbacks to the front of the site are considered to be compatible with the building line of the streetscape;
 - The non-compliant side setback distance relates to one corner of the building and is not expected to adversely impact the adjacent property in terms of building massing or overlooking;
 - Further landscaping is to be undertaken at the front of the site to assist with screening the open carport.

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 the variations to Clause 7.3 of the Scheme.

3. Pursuant to section 51 (m) of the Planning Act, the Development Consent Authority must, in considering a development application, 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 Alice Springs Town Council (ASTC) has recommended the inclusion of standard conditions relating to management of stormwater, verge permits, construction of kerb crossovers, and provision of sight lines at the junction between the means of ingress and egress to the site. The proposal does not include any new kerb crossovers or driveways; and
 - b) The Power and Water Corporation (PAWC) has advised that the existing easement within Lot 5297 is still required. No structures are to be located on or over a water or sewerage easement, or within 1.5m of the centre line of the water main without PAWC approval. There are no objections to the proposed development providing standard PWC conditions are met.
4. The application was subject to public exhibition in accordance with the *Planning Act* and *Planning Regulations*. No submissions were received.

ACTION: DAS to prepare a Notice of Consent and Development Permit

**ITEM 3 3 X 3 BEDROOM MULTIPLE DWELLINGS IN 2 X 1 STOREY BUILDINGS
LOT 10850, 49 BONANNI CIRCUIT, SUBURB OF ROSS, TOWN OF ALICE
SPRINGS
ZONE A PTY LTD**

Development Assessment Services tabled copies of the public submission from Australian Property Projects dated 19 February 2018 and an addendum to the submission dated 6 March 2018, both of which were summarised under section 51(e) of the Agenda Report to the Development Consent Authority on the application.

Stuart Chalmers (Zone A Pty Ltd) and Jack Page attended the meeting and spoke further to the application.

RESOLVED That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent
0017/18 Authority defer consideration of the application to develop Lot 10850 (49) Bonanni
Circuit, Suburb of Ross, Town of Alice Springs for the purpose of 3 x 3 bedroom
multiple dwellings in 2 x 1 storey buildings to require the applicant to provide the
following additional information that the Authority considers necessary in order to
enable the proper consideration of the application:

1. Seeking a review by the Department of Infrastructure, Planning and Logistics (DIPL) with respect to the minimum building setback requirements for roof eaves and verandahs applicable to multiple dwellings development on the subject site, noting that:
 - a) Section 51(a) of the *Planning Act* requires the consent authority to take into account any planning scheme that applies to the land to which the application relates;
 - b) The NT Planning Scheme is the applicable planning scheme in relation to the subject land;

- c) The Technical Assessment provided by DIPL in the Agenda Report (14/03/2018 DCA meeting) applies building setback requirements set out under clause 7.3 of the NT Planning Scheme with respect to roof eaves and verandahs for the proposed development and Zone SA8 (Specific Use) requirements with respect to the dwelling walls);
 - d) An alternative interpretation of the minimum building setback requirements with respect to roof eaves and verandahs for the proposed development would be exclusively apply the setback requirements set out under sub-clause 7(b) of the Schedule to clause 2.4 for Zone SA8;
 - e) Regardless of which of the above interpretations of minimum setbacks applies, the proposed development does not comply with the minimum setback requirements;
 - f) Under the SA8 Zone provisions, the consent authority may consent to a variation of the setback requirements set out under sub-clause 7(b) of the Schedule to clause 2.4 for Zone SA8 only if it is satisfied that special circumstances justify the giving of consent; and
 - g) The application seeks variations to the setback requirements set out under sub-clause 7(b) of the Schedule to clause 2.4 for Zone SA8 but does not clearly identify special circumstances supporting the proposed 'reduced' building setbacks.
2. Providing the applicant with the opportunity to further consider the minimum building setback requirements for roof eaves and verandahs applicable to multiple dwellings development on the subject site, and clearly identify special circumstances supporting the proposed 'reduced' building setbacks.
 3. Providing the submitter with the opportunity to clarify their position in relation to the proposed development, noting that:
 - a) The initial submission under section 49(1) of the *Planning Act* offered qualified support for the proposal but was supplemented by a subsequent addendum identifying strong objection to the proposal if the proposed development could only be achieved by having to remove the anchors for the retaining wall on the Palm Circuit frontage within the 1.5m setback area; and
 - b) They were not represented at the hearing on 14 March 2018.
 4. Providing the opportunity for consultation between the owners of the subject land and the submitter, noting issues raised by both parties in relation to anchors purportedly located within the subject property and abutting the Palm Circuit boundary.

ACTIONS:

- DAS to review the minimum building setback requirements for roof eaves and verandahs applicable to multiple dwellings development on the subject site (as specified in the NT Planning Scheme under SA8).
- DAS to advise applicant and submitter of deferral.

**ITEM 4 INDEPENDENT UNIT – VARY DP17/0067 FOR FLOOR LEVEL IN AREA
SUBJECT TO 1% AEP FLOOD EVENT
LOT 4995, 25 HEENAN ROAD, SUBURB OF ROSS, TOWN OF ALICE
SPRINGS
DEBORAH PAGE**

Stuart Chalmers (Zone A Pty Ltd) and Jack Page attended the meeting and spoke further to the application

RESOLVED That, pursuant to section 46(4)(b) of the *Planning Act*, the Development
0018/18 Consent Authority defer consideration of the application to DP17/0067 to
require the applicant to provide the following additional information that the
Authority considers necessary in order to enable the proper consideration of
the application including further details of measures taken (or proposed to be
taken) to site characteristics and building design mitigate risk to people and
damage to the independent unit caused by flooding (modelled 1% AEP event).

This could include:

1. a hydrological study and report; and/or
2. details of flood proofing measures achieved through the use of construction materials and/or methods which will either:
 - a) exclude floodwater up to 300mm the modelled 1% AEP flood level;
or
 - b) resist deterioration during inundation events, thereby limiting flood damage costs.

ACTION: Deferred

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

SUZANNE PHILIP
Chair
22 March 2018