



DEVELOPMENT CONSENT AUTHORITY

ALICE SPRINGS DIVISION

MINUTES

MEETING No. 248 – WEDNESDAY 9 OCTOBER 2019

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

MEMBERS PRESENT: Suzanne Philip (Chair), Chris Neck, Dr Deepika Mathur,
Jamie de Brenni, Jimmy Cocking

APOLOGIES: Marli Banks

OFFICERS PRESENT: Peter Somerville, Benjamin Taylor, Julie Driver,
Jennie Ryan

COUNCIL REPRESENTATIVE: Dilip Nellikat

Meeting opened at 10:20 am and closed at 11:30am

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 CARPORT AND GARAGE ADDITIONS TO AN EXISTING SINGLE DWELLING
PA2019/0307 AND AN INDEPENDENT UNIT, WITH REDUCED SIDE AND REAR SETBACKS
LOT 8426, 12 MIRUS COURT, SUBURB OF LARAPINTA**

APPLICANT NICHOLAS RIEPER

Nicholas Rieper (Applicant) sent his apology as he was unable to attend the meeting.

RESOLVED That the Development Consent Authority varies the requirements of Clause 7.3
0103/19 (Building Setbacks of Residential Buildings and Ancillary Structures) and Clause 7.5
(Private Open Space) of the Northern Territory Planning Scheme, and pursuant to
section 53(a) of the *Planning Act 1999*, consents to the application to develop Lot 8426
(12) Mirus Court, Suburb of Larapinta, Town of Alice Springs for the purpose of carport,
independent unit and garage additions to an existing single dwelling with reduced side
and rear setbacks, subject to the following conditions:

CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings submitted with the application and endorsed 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, sewerage and electricity services to the development shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.
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. Boundary fencing between the private open space areas for the independent unit and the adjoining lots must be fenced to a minimum height of 1.8m.

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 Department of Environment and Natural Resources advises that construction work should be conducted in accordance with the Northern Territory Environment Protection Authority'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.
3. 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.

4. 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.

REASONS

1. Pursuant to section 51(a) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority (the consent authority) must take into account any planning scheme that applies to the land to which the application relates. The proposed carport, independent unit and garage additions:
 - a) are of a form, scale and character that may reasonably expected within Zone SD (Single Dwelling Residential) of the NT Planning Scheme; and
 - b) are expected to be compatible with the existing development within the immediate locality and suburb of Larapinta more generally.
2. Variations are granted to the clause 7.3 (Building Setback of Residential Buildings and Ancillary Structures) of the Northern Territory Planning Scheme as:
 - a) The existing development and irregular shape of the site in conjunction with a 3m wide sewerage easement adjacent to the northern side boundary substantially constrain design opportunities for garage and independent unit additions of the size and form proposed;
 - b) The carport will cover an existing parking area;
 - c) The proposed additions are of a scale and form that is compatible with other residential development in the immediate locality;
 - d) Mirus Court includes predominantly single storey single dwellings and ancillary structures;
 - e) The reduced side and rear setbacks are not expected to result in any undue or significant building massing when viewed from the street or other properties;
 - f) The carport and garage design will provide for improved visual privacy between the site and adjoining lots;
 - g) The independent unit will not overlook private open space or living areas of any adjoining property;
 - h) The owners of the affected adjoining properties were notified of the proposed development and no submissions were received; and
 - i) The development is not expected to frustrate the purpose of clause 7.3.In accordance with Clause 2.5 (Exercise of Discretion by the Consent Authority) of the NT Planning Scheme, the above circumstances are considered, cumulatively to constitute special circumstances that justify the granting of variations to clause 7.3.
3. A variation is granted to the requirements of clause 7.5.2(a) (Private Open Space) of the Northern Territory Planning Scheme, to allow a reduced minimum width dimension for the independent unit open space provision as:
 - a) The proposed open space is:
 - (i) expected to provide sufficient space for domestic purposes and contribute to a good level of amenity to the occupant/s;
 - (ii) appropriately sited, permeable and open to the sky;
 - (iii) includes capacity for deep soil shade tree planting;
 - b) The design is expected to be functional and allow convenient access between the independent unit and private open space;
 - c) The private open space for the independent unit is required to be screened from adjoining lots to comply with clause 7.5.4 of the Planning Scheme; and

d) The design provides opportunities for good passive surveillance of the primary open space area from the kitchen.

The above circumstances are considered, cumulatively to constitute special circumstances that justify the granting of a variation to clause 7.5.2(a).

4. Pursuant to section 51(b) of the *Planning Act 1999*, in considering a development application, of the consent authority must take into account any proposed amendments to such a planning scheme:
 - a) That have been or are on exhibition under Part 2, Division 3;
 - b) In respect of which a decision has not been made under Part 2, Division 5; and
 - c) That are relevant to the development proposed in the development application;

Pursuant to section 27 of the *Planning Act 1999*, proposed Planning Scheme Amendment PA2017/0203 was on public exhibition from 31 May 2019 to 28 June 2019. PA2017/0203 seeks to amend clause 7.5 (Private Open Space) of the NT Planning Scheme to clarify the purpose of the clause and introduce greater design flexibility for single dwellings on small lots. An assessment of the development application against the proposed amendments to clause 7.5 (Private Open Space) of the NT Planning Scheme identified that the proposed private open space arrangements proposed within the development application will largely comply with criteria proposed within PA2017/0203, with only a minimal variation to the minimum width dimension.

5. Pursuant to section 51(e) of the *Planning Act 1999*, in considering a development application, of the consent authority must take into account any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application. No public submissions or local authority submissions were received under Section 49 of the *Planning Act 1999* with respect to the proposal.
6. Pursuant to section 51(m) of the *Planning Act 1999*, in considering a development application, of the consent authority must 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. The conditions and advisory notes of approval are intended to assist in ensuring service authority interests are duly recognised in terms of works within and affecting the road reserves, stormwater drainage and electricity, sewerage and water services.
7. Pursuant to section 51(n) of the *Planning Act 1999*, in considering a development application, of 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 additions are not expected to have any material impact of the amenity of any other property or the streetscape and the development is expected to offer a good level of amenity for the occupants of both dwellings.

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

**ITEM 2 CONSTRUCT SERVICE STATION AND ALTERATIONS TO EXISTING
PA2019/0322 RESTAURANT
 LOT 6403, 45 STUART HIGHWAY, TOWN OF ALICE SPRINGS**

APPLICANT ADELAIDE NOMINEES PTY LTD

Kieron Barnes (Senior Associate, Ekistics Planning and Design), Ben Wilson (Traffic Engineer, CIRQA) and Sam Morris (Developer, Accord Property) attended the meeting and spoke further to the application.

Ben Wilson tabled an updated plan of the turn path diagram for larger vehicles.

Sean Loader, Business Manager, St Philips College spoke further to the comments already submitted.

**RESOLVED
0104/19**

That, pursuant to section 46(4)(b) of the *Planning Act 1999*, the Development Consent Authority defer consideration of the application to develop Lot 6403, 45 Stuart Highway, Town of Alice Springs for the purpose of a service station and alterations to existing restaurant 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. Evidence of the resolution of the concerns identified by the Alice Springs Town Council and Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics in their respective comments on the proposed development. Revised documentation must demonstrate that the Transport and Civil Services Division consents to proposed access/egress arrangements to the Stuart Highway.
2. Confirmation that the Traffic Impact Assessment has taken into account vehicle movements associated with:
 - (a) the service station approved to be constructed on Lot 349, 43 Stuart Highway (Development Permit DP17/0064); and
 - (b) campervans, vehicles towing caravans, trailers and the like (access / egress to the subject site and vehicle movements within the site).
 - (c) Updated drawings:
 - (a) addressing any design changes required in response to point 1 (above);
 - (b) changing the "loading bay" for the service station into a car parking space;
 - (c) confirming the separation distance between fuel bowsers and restaurant complies with sub-clause 2(a) of Clause 8.1.4 of the NT Planning Scheme;
 - (d) confirming that the length, width, height and access arrangements for the restaurant loading bay will comply with Clause 6.6 (Loading Bays) of the NT Planning Scheme;
 - (e) demonstrating that the dimension and manoeuvring requirements of Clause 6.5.3 (Parking Layout) and Clause 8.1.4 (Service Stations) of the NT Planning Scheme will be complied with.
 - (f) Confirming that there will not be "high flow bowsers" within the development;
 - (g) Showing the location of any designated area for service station customers to check water and air levels of vehicles;
 - (h) Including the location of the PAWC water meter and any required backflow prevention device.

REASONS

1. Pursuant to section 51(m) of the *Planning Act 1999*, the Development Consent Authority must 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.. Evidence of the resolution of the concerns identified by the Alice Springs Town Council and Department of Infrastructure Planning and Logistics in their respective comments on the proposed development is considered necessary.
2. Pursuant to Section 46(4)(b) of the *Planning Act 1999*, the Development Consent Authority may request relevant information if it considers the information necessary in order to enable proper consideration of the application. Despite negotiations between the applicants, the Transport and Civil Services Division of the Department of Infrastructure Planning and Logistics and the Alice Springs Town Council the outstanding traffic management issues remain unresolved. As such, the Development Consent Authority requires confirmation that these issues have been resolved to enable proper consideration of the application.
3. Stuart Highway is Zoned Main Road and under the care, control and maintenance of the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics. Clause 13.2 (Land Adjacent to Main Roads) of the NT Planning Scheme specifies that access to a use or development or proposed use or development from a main road is to be in accordance with the requirements of the agency responsible for the road. Pursuant to section 52 of the *Planning Act 1999*, the Development Consent Authority must not consent to a development unless it will comply with Clause 13.2 of the Scheme.
4. The application (as amended) has not demonstrated that the minimum dimensions contained in Clause 6.5.3 (Parking Layout), Clause 6.6 (Loading Bays) and Clause 8.1.4 (Service Stations) of the NT Planning Scheme will be complied with.

ACTION: DAS to prepare a letter of deferral

ITEM 3 **MEDICAL CONSULTING ROOMS IN AN EXISTING SINGLE DWELLING AND**
PA2019/0325 **HOME BASED CONTRACTING (DESERT SPRINGS CLEANING SERVICES) IN**
 A DEFINED FLOOD AREA
 LOT 1402, 6 ACHILPA STREET, SUBURB OF THE GAP

APPLICANT **HEALING SANDS THERAPY CENTRE – BRENDAN BROWNE**

Brendan Browne (Applicant) was overseas and sent his apology that he was unable to attend the meeting.

RESOLVED That, the Development Consent Authority vary the requirements of Clause 6.5.1
0105/19 (Parking Requirements) and Clause 6.5.3 (Parking Layout) of the Northern Territory
 Planning Scheme, and pursuant to section 53(a) of the *Planning Act 1999* consent to
 the application to develop Lot 1402, 6 Achilpa Street, Town of Alice Springs, for the
 purpose of medical consulting rooms (Therapeutic Massage and Colonic Irrigation)
 and home based contracting (Desert Springs Cleaning Service) on the site of an
 existing single dwelling in a Defined Flood Area, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), an amended site 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 must be generally in accordance with the plan submitted with the application ('Page 27 of 47' contained within the DAS DIPL agenda report) but modified to show:
 - (a) building setback dimensions of the proposed shed and verandah compliant with sub-clause 4 of Clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) of the NT Planning Scheme;
 - (b) a minimum of 4 car parking spaces (2.5m wide x 5.5m long) accommodated within the site (ie: 2 spaces for the occupants of the single dwelling and 2 additional spaces for the medical consulting room/home based contracting).
 - (c) A dust suppressed surface treatment of the driveway and car parking spaces.

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 use and/or development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
4. All clients for the medical consulting room are to be seen on an appointment only basis.
5. Treatments provided by the medical consulting room are to be provided only by a resident of the single dwelling on 6 Achilpa Street, The Gap.
6. The home based contracting use (Desert Cleaning Services) may only be used as follows:
 - (a) The total area of the site that is used for the home based contracting (including areas used temporarily) is not to exceed 30m²;
 - (b) No greater demand or load is imposed on the services provided by a public utility organisation than that which is ordinarily required in the locality;
 - (c) No sign is displayed, other than a business sign that is not more than 0.5m² in area;
 - (d) No goods or equipment are visible from outside the site; and
 - (e) Not more than one vehicle kept on the site is used for the purpose of the home based contracting.
7. 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.
8. Any new (or alterations to existing arrangements to the) kerb crossover/s and driveway/s (works within the road reserve) to the development approved by this permit are to meet the technical standards of the Alice Springs Town Council, to the satisfaction of the consent authority.
9. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities, to

the development shown on the endorsed plan in accordance with the authorities requirements and relevant legislation at the time.

NOTES:

1. This development permit does not grant "building approval" for the proposed works and associated 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 or occupation of the building.
2. A "Permit to Work Within a Road Reserve" may be required from Alice Springs Town Council before commencement of any work within the road reserve.
3. Notwithstanding the approved plans, all signage is subject to Alice Springs Town Council approval, at no cost to Council.
4. The development and use hereby permitted should be designed, constructed and operate in accordance with the *Public & Environmental Health Act 2011* and comply with the Public and Environmental Health Guidelines for Hairdressing, Beauty, Therapy & Body Art.
5. The permit holder is advised that the proposal may have assessment implications under the *Waste Management and Pollution Control Act 1998*. More information can be found on the Northern Territory Environment Protection Authority website at: <https://ntepa.nt.gov.au/waste-pollution/guidelines/guidelines>
The applicant is encouraged to contact the NT EPA on (08) 89244218 or ntepa@nt.gov.au.
6. The Northern Territory Environment and Protection Authority has advised that the proponent must comply with their General Environment Duty provided by section 12 of the *Waste Management and Pollution Control Act 1998*.
7. The Department of Environment and Natural Resources advises that construction work should be conducted in accordance with the Northern Territory Environment Protection Authority'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.
8. 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.
9. 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.
10. 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

1. Pursuant to section 51(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

A medical consulting room is a discretionary land use in Zone SD (Single Dwelling Residential) of the NT Planning Scheme. It is considered that the uses to be undertaken by residents of the single dwelling are of a sufficiently low intensity that it can be conducted without detrimental impact on surrounding neighbours and land uses. Having considered the matters listed in Clause 6.5.2 (reduction in Parking Requirements) of the NT Planning Scheme, the provision of 4 car parking spaces is considered adequate for the occupants of the single dwelling and level of parking expected to be generated by the business. The building setbacks of the proposed shed and verandah will comply with Clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) of the NT Planning Scheme.

2. Variations to Clause 6.5.3 (Parking Layout) of the NT Planning Scheme for:
 - a car parking and driveway area not being surfaced in an all weather seal coat; and
 - car spaces not being line marked

are considered satisfactory in this instance as this is expected to help maintain the low density residential character of the locality and car parking can be managed in an appropriate manner within designated car parking areas, and that all car parking bays are useable, functional and convenient and in accordance with the intent of the clause.

3. Pursuant to section 51(n) of the *Planning Act 1999* 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 low intensity use of the medical consulting room and home based contracting is not expected to generate any significant adverse impacts on existing or future amenity of the locality. The uses will be undertaken by residents of the dwelling. The uses are not expected to generate vehicle movements or noise markedly above those of an average household consistent with the single dwelling character of the area. The height and building setbacks of the proposed shed complies with the minimum standards contained in the NT Planning Scheme.

4. Pursuant to section 51(h) of the *Planning Act 1999*, 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.

The application identified merits including:

- the site is of adequate size and shape for the proposed uses being sought;
- appointments for the therapy centre are by appointment only and averages around 7 clients per week;
- the therapy service will be carried out by one person at a time by a licensed practitioner who resides within the single dwelling;
- clients of the cleaning business do not need to attend the site;
- there are no habitable rooms proposed with the development;

- building setbacks and height restrictions are compliant; and
- floor area for medical consulting room and home based contracting is compliant.

5. Pursuant to section 51(j) of the *Planning Act 1999*, 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.

Flood mapping indicates the potential for flooding between 0.15m and 2.0m in a 1% AEP event across the whole of site, however the new building will not contain any “habitable rooms” and the land is expected to be capable of supporting the proposed use and development without undue impact on other land.

6. Pursuant to section 51(e) of the *Planning Act 1999*, 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.

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

ITEM 4 **INDEPENDENT UNIT WITH FLOOR AREA GREATER THAN 80M²**
PA2019/0326 **NT PORTION 4907, 80 CHATEAU ROAD, SUBURB OF CONNELLAN**
APPLICANT **RICHARD WILLIAMSON**

Richard Williamson (applicant) attended the meeting and spoke further to the application.

RESOLVED That, the Development Consent Authority vary the requirements of Clause 7.10.4
0106/19 (Independent Units) of the Northern Territory Planning Scheme, and pursuant to
section 53(a) of the *Planning Act 1999*, consent to the application to develop NT
Portion 4907, 80 Chateau Road, Suburb of Connellan, Alice Springs for the purpose
of an Independent Unit within a defined flood area with a floor area in excess of 80m²,
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 must be generally in accordance with the plans submitted with the application but modified to show:
 - a) The single dwelling and independent unit serviced by a common effluent disposal system; **OR**
 - b) Documentary evidence provided by a licensed certifying plumber and drainer that:
 - (i) The existing effluent disposal system on NT Portion 4907 is incapable of accepting the increased load associated with the new independent unit;
and

- (ii) The proposed onsite wastewater treatment system is appropriate for the proposed development (noting that NT Portion 4907 is located within a Defined Flood Area (1% AEP event)).

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. NOTE: no more than one electricity and water connection to NT Portion 4907 is permitted.
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. The finished floor levels of "habitable rooms" of the "independent unit" shall be no lower than 547.3 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) for the independent unit. Levels should be provided for a minimum of 2 points on the finished floor of the independent unit. This condition is to the satisfaction of the Development Consent Authority.

NOTES:

1. This development permit does not grant "building approval" for the demolition of existing buildings and proposed new development works. 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 construction works.
2. Prior to applying for building approval, it is recommended that the land owner / developer considers engaging the services of a Licensed Surveyor to carry out Level and/or Height AHD Survey to identify where the "ground level" of the site and ensure the "habitable rooms" of the independent unit will comply with Condition 5 of this permit. This information can also be used for the purposes of section 6 of the *Building Regulations 1993*.
3. The Department of Environment and Natural Resources advises that construction work should be conducted in accordance with the Northern Territory Environment Protection Authority'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.
4. A "Permit to Work Within a Road Reserve" will be required from Alice Springs Town Council for works within the road reserve of Chateau Road.
5. 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.

6. Professional advice regarding implementation of soil erosion control and dust control measures that could be employed throughout the construction phase of the development are available from Department of Environment and Natural Resources.
7. 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

1. Pursuant to section 51(a) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority must take into account any planning scheme that applies to the land to which the application relates.

The proposal has been assessed against the relevant clauses of the Northern Territory Planning Scheme (NTPS) and generally complies. The proposal does not comply with the provisions of under Clause 7.10.4 (Independent Units) of the NTPS and variations to the provisions is sought as part of the application.

The site is zoned RL (Rural Living) of the NTPS. The primary purpose of Zone RL is to provide for low-density rural living and a range of rural land uses including agriculture and horticulture. The proposal is considered to be generally in accordance with the purpose of the zone as it allows for low-density rural living.

The primary purpose of Clause 7.10.4 is to ensure that an independent unit does not detrimentally impact on the amenity of adjoining and nearby property and remains ancillary to the single dwelling on a site. The independent unit will be the second dwelling on the site and access to it is via the single existing crossover. Both dwellings will be serviced by a single reticulated power and water connection.

The proposal does not comply with sub-clauses 2(b)(ii) and 2(d) of Clause 7.10.4. The proposal seeks approval for a floor area of the independent unit exceeding 80m² and is has not been demonstrated that the unit would be serviced by a common effluent disposal system (ie: shared with the single dwelling).

The Authority is satisfied that the increased floor area to 92.1m² is appropriate and the independent unit is suitable for the site. The setbacks and existing landscaping soften the visual and acoustic impacts of the development from the surrounding properties.

The updated documentation sought though the condition precedent will ensure that the proposed development either:

- Complies with sub-clause 2(d) in that both dwellings will be service by a common effluent disposal system; or
- A licensed certifying plumber provides documentary evidence that the requirements of sub-clause 4 of Clause 7.10.4 will be complied with. The

Authority considers that the independent unit can be serviced by an independent effluent disposal system, subject to the documentary evidence being provided.

The subject site is identified on current flood mapping as being liable to inundation in a 1% AEP Defined Flood Event. Habitable rooms of the independent unit will be built 300mm above the modelled flood height without the need for filling the site. The development is therefore considered to be consistent with the purpose and performance criteria of Clause 6.14 (Land Subject to Flooding and Storm Surge) of the NT Planning Scheme.

2. Pursuant to section 51(b) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority must take into account any proposed amendments to such a planning scheme:
 - (i) that have been or are on exhibition under Part 2, Division 3;
 - (ii) in respect of which a decision has not been made under Part 2, Division 5; and
 - (iii) that are relevant to the development proposed in the development application;

Pursuant to section 27 of the *Planning Act 1999*, proposed Planning Scheme Amendment PA2017/0203 was on public exhibition from 31 May 2019 to 28 June 2019. PA2017/0203 seeks to amend Clause 7.5 (Private Open Space) of the NT Planning Scheme to clarify the purpose of the clause and introduce greater design flexibility for single dwellings on small lots.

An assessment of the development application against the proposed amendments to Clause 7.5 (Private Open Space) of the NT Planning Scheme is identified that the private open space arrangements proposed within the development application will be able to comply with the minimum dimension, area, surface treatment and “open to the sky” criteria proposed within PA2017/0203.

3. Pursuant to section 51(e) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority must take into account any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application. No public or local authority submissions were received during the exhibition period under section 49 of the *Planning Act 1999* with respect to the proposal.
4. Pursuant to section 51(j) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority must 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 reasonably flat and identified as being liable to inundation in a 1% AEP Defined Flood Event, however, finished floor levels of “habitable rooms” will be built above flood level without the need for substantial fill. The surrounding area has been developed for rural residential purposes and a single dwelling has been established on the site for over 25 years. As such, the land is considered capable of supporting the proposed development. The Department of Environment and Natural Resources have not identified any concerns with the proposal.
5. Pursuant to section 51(m) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority must 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. The advisory notes and conditions of approval are intended to assist in ensuring service authority interests are duly recognised in terms of works within and affecting the road reserves, vehicle access, storm water drainage, electricity and water services that apply to the development of an independent unit on the land.

6. Pursuant to section 51(n) of the *Planning Act 1999*, in considering a development application, the Development 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 proposal is screened by established dense landscaping. The proposal also provides larger setbacks than required under Clause 7.3 (Building Setbacks for Residential Buildings and Ancillary Structures) of the NT Planning Scheme. The building setbacks and landscaping soften the visual and acoustic impacts of the development from the surrounding properties. The proposal is not expected to have any negative impacts on the existing or future amenity of the area.

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
16 October 2019