



DEVELOPMENT CONSENT AUTHORITY

ALICE SPRINGS DIVISION

MINUTES

**MEETING No. 275
WEDNESDAY 8 FEBRUARY 2023**

**RED MULGA EVENT SPACE
ALICE SPRINGS DESERT PARK
539 LARAPINTA DRIVE
ALICE SPRINGS**

MEMBERS PRESENT: Suzanne Philip (Chair), Chris Neck, Deepika Mathur,
Allison Bitar, Matt Paterson

APOLOGIES: Nil

OFFICERS PRESENT: Chay Garde, Benjamin Taylor, James Calder, Kieran Marsh,
Jennie Ryan

COUNCIL REPRESENTATIVE: Matt Raymond

Meeting opened at 10:45 am and closed at 11:15am

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 **ALTERATIONS AND ADDITIONS TO PLACE OF WORSHIP (ANCILLARY INDOOR BASKETBALL HALF COURT FOR 'SPORT AND RECREATION', CHANGES TO FLOOR LAYOUT OF BUILDING, CONSTRUCT (EXTEND) HARDSTAND CAR PARKING AND DRIVEWAY AREAS)**
PA2023/0002 **LOT 4290 (36) ANGGUNA AVENUE, BRAITLING, TOWN OF ALICE SPRINGS**
APPLICANT **ZONE A PTY LTD**

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

RESOLVED That, the Development Consent Authority pursuant to sections 43B(1) and 43C(1) of
03/23 the *Planning Act 1999*, consent to the application for an Alteration Permit to allow for alterations and additions to a place of worship (cultural hall, changes to floor layout of building, construct (extend) hardstand car parking and driveway areas) at Lot 4290, 36 Angguna Avenue, Braitling, Town of Alice Springs, 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 (dated 01/12/2022, prepared by Zone A Pty Ltd) but modified to show:
 - (a) the extension to the "car parking area" setback 3m from the Erumba Street boundary of the site (NOTE: to accommodate the required landscaping dimensions, a maximum of the 2 proposed car parking spaces in the north and west corners of the car parking area may be deleted from the scope of works);
 - (b) landscaping (planting) in the area between the car parking area and the Erumba Street boundary of the site (species designed to lessen the visual impact of the car parking area)
 - (c) details of existing lighting (being retained) and proposed lighting in the area/s between the place of worship building and eastern boundary of the site. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the consent authority.

Amended drawings prepared in response to the conditions precedent may be submitted to the Development Consent Authority C/- Development Assessment Services, DIPL (Alice Springs Branch) via email to DAS.NTG@nt.gov.au. When endorsed, the drawings will form part of the permit.

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. Before the use or occupation of the development starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the

- plans;
- (c) surfaced with an all-weather-seal coat;
 - (d) drained;
 - (e) line marked to indicate each car space and all access lanes; and
 - (f) clearly marked to show the direction of traffic along access lanes and driveways to the satisfaction of the consent authority.
4. Protective kerbs (of a minimum height of 150mm) must be provided to the satisfaction of the consent authority to prevent damage to fences and landscaped areas along the east (Lot 4289) boundary of the site.
 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. This condition is 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.
 7. All air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
 8. No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.
 9. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the consent authority.
 10. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Alice Springs Town Council, to the satisfaction of the consent authority.
 11. All proposed works impacting on Erumba Street, Angguna Avenue and Rotaract Park (Lot 4291) are to be designed, supervised and certified on completion by a practicing and registered civil engineer, and shall be in accordance with the standards and specifications of the Alice Springs Town Council. Drawings must be submitted to the Council for approval and no works are to commence prior to approval and receipt of a "Permit to work within a road reserve".
 12. Stormwater is to be collected and 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.
 13. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street, in accordance with the requirements of Alice Springs Town Council, to the satisfaction of the consent authority.
 14. Storage for waste disposal bins is to be provided to the requirements of Alice Springs Town Council to the satisfaction of the consent authority.

15. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/cyclepaths; and
 - (c) 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.
16. 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.
17. 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 drawings in accordance with the authorities' requirements and relevant legislation at the time. Please refer to notations 3, 7 and 8 for further information.

NOTES:

1. 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.
2. This development permit is not an approval to undertake building work. You are advised to contact a Northern Territory registered building certifier to seek a building permit as required by the Northern Territory *Building Act 1993* before commencing any demolition or construction works.
3. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (powerdevelopment@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. Notwithstanding the approved plans, all signage is subject to *Alice Springs Town Council* approval, at no cost to Council.
5. The Aboriginal Areas Protection Authority recommends that the permit holder obtain an Authority Certificate to indemnify against prosecution under the *Northern Territory Aboriginal Sacred Sites Act 1989*. For advice on how to obtain a certificate please contact the Aboriginal Areas Protection Authority.
6. Any proposed works which fall within the scope of the *Construction Industry Long Service Leave and Benefits Act 2005* must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act
7. All developers, including owner-builders, are required to comply with

Commonwealth telecommunications requirements. Under Commonwealth law, developers are generally required to provide fibre-ready pit and pipe in their developments at their expense. Developers may be able to access an exemption from these arrangements in some circumstances. For more information visit www.infrastructure.gov.au/tind

8. If you choose nbn to service your development, you will need to enter into a development agreement with nbn. The first step is to register the development via <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html> once registered nbn will be in contact to discuss the specific requirements for the development. Nbn requires you to apply at least 3 months before any civil works commence. All telecommunications infrastructure should be built to nbn guidelines found at <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/builders-designers.html>
9. For the purposes of best practice land management and environmental protection it is recommended that a **Type 1** Erosion and Sediment Control Plan (ESCP) be developed in accordance with the Department of Environment, Parks and Water Security ESCP Standard Requirements 2019 available at <https://nt.gov.au/environment/soil-land-vegetation>. The ESCP should be prepared prior to commencement of works and implemented during the construction phase (including clearing and early works); and all disturbed soil surfaces should be satisfactorily stabilised against erosion at completion of works. For further advice, contact the Land Development Coordination Branch: (08) 8999 4446.
10. There are statutory obligations under the *Waste Management and Pollution Control Act 1998* (the Act), that require all persons to take all measures that are reasonable and practicable to prevent or minimise pollution or environmental harm and reduce the amount of waste. The proponent is required to comply at all times with the Act, including the General Environmental Duty under Section 12 of the Act. There is also a requirement to obtain an authorisation prior to conducting any of the activities listed in Schedule 2 of the Act. Guidelines to assist proponents to avoid environmental impacts are available on the Northern Territory Environment Protection Authority website at <http://ntepa.ntg.gov.au/waste-pollution/guidelines/guidelines>

The Act, administered by the Northern Territory Environment Protection Authority, is separate to and not reduced or affected in any way by other legislation administered by other Departments or Authorities. The Environment Operations Branch of the Environment Division may take enforcement action or issue statutory instruments should there be non-compliance with the Act.

REASONS

1. Pursuant to section 43B(1) of the *Planning Act 1999*, the consent authority may issue an alteration permit only if:
 - (a) *the proposed alteration will not alter a measurable aspect of the existing building or existing works by a margin greater than 5% and, in the opinion of the consent authority, will not materially affect the amenity of adjoining or nearby land or premises; or*
 - (b) *in the opinion of the consent authority, the proposed alteration is not conveniently measurable and will not materially affect the amenity of adjoining or nearby land or premises.*

The NT Planning Scheme 2020 (NTPS2020) applies to the subject site (Lot 4290), which is zoned CP (Community Purposes) and developed with a place of worship and handstand car parking area. The works on site were lawfully established prior to the introduction of development provisions into the planning scheme (ie: Clause 5.2.7 of NTPS2020) that stipulated minimum setback and landscaping requirements to the eastern side boundary of the site (Lot 4289 – zoned LMR (Low-Medium Density Residential)).

The proposed alterations and additions to the site, comprising of extensions to the place of worship building to accommodate a cultural hall and constructions of additional car parking spaces and driveway area are deemed not to alter any measurable aspect of the lawfully established works as the existing setback line and landscaping depth to the shared boundary of Lot 4289 will be maintained.

2. Pursuant to section 43C(1) of the *Planning Act 1999*, the consent authority may impose on an alteration permit the conditions it thinks fit and specifies in the alteration permit. The conditions of approval are intended to:
 - duly recognise local government council and serve authority interests in terms of vehicle access, storm water drainage, works within road reserves, connections to and upgrading of reticulated services relevant to the alterations and additions to the site;
 - ensure that:
 - landscaping, fencing and car parking works are constructed and maintained to an appropriate standard;
 - new works on site and operation of the development and use will not materially affect the amenity of adjoining or nearby land or premises.

FOR: 4 AGAINST: 0 ABSTAIN: 0

ACTION: DAS to prepare an Alteration Permit

**ITEM 2 FURTHER CONSIDERATION – REVISED PROPOSAL - OUTBUILDING
(CARPORT) ADDITION TO DWELLING-SINGLE WITH REDUCED SETBACKS TO
PRIMARY STREET BOUNDARY**

**PA2022/0241 LOT 5864 (36) THE FAIRWAY, DESERT SPRINGS
APPLICANT SARAH & DARREN CONNOR**

Sarah and Darren Connor attended the meeting and spoke further to the application.

RESOLVED That, the Development Consent Authority vary the requirements of Clause 5.4.3
04/23 (Building Setbacks of Residential Buildings and Ancillary Structures) of the
Northern Territory Planning Scheme 2020, and pursuant to section 53(a) of the
Planning Act 1999, consent to the application to develop Lot 5864, 36 The Fairway,
Desert Springs, Town of Alice Springs, for the purpose of an outbuilding (carport)
with reduced building setbacks to primary street boundary, subject to the following
conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended drawings 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 in Adobe PDF format, drawn to scale with dimensions and generally consistent with the plans provided in response to the deferral (*ie: dated 12/12/2022, included with the agenda report for the 8 February 2023 DCA meeting*), but modified to:
 - (a) label the colours (of the external finishes) of the carport
 - (b) label the dimensions of the roof eaves and gutters
 - (c) show (on the site plans) proposed landscaping to site boundary of The Fairway (*ie: medium sized, non-deciduous trees*). Species should be selected that will assist in providing screening of the carport (when viewed from the road reserves) whilst not resulting in nuisance in terms of future maintenance (pruning / leaves) and sightlines).

Amended drawings prepared in response to the conditions precedent may be submitted to the Development Consent Authority C/- Development Assessment Services, DIPL (Alice Springs Branch) via email to DAS.NTG@nt.gov.au. When endorsed, the drawings will form part of the permit.

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. Before the use/occupation of the development starts, the landscaping works shown on the endorsed drawings must be carried out and completed to the satisfaction of the consent authority. This condition is to the satisfaction of the consent authority.
4. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Alice Springs Town Council, to the satisfaction of the consent authority.
5. Stormwater is to be collected and 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. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street, in accordance with the requirements of Alice Springs Town Council, to the satisfaction of the consent authority.
7. 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.
8. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity services to the development shown on the endorsed drawings in accordance with the authorities' requirements and

relevant legislation at the time. Please refer to notation 3 for further information.

NOTES:

1. This development permit does not grant “building approval” for the proposed structure/s. 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 a boundary identification survey to identify where the true boundaries of the site are in relation to existing and proposed fences and buildings on the land. This information could then be used for the purposes of section 6 of the *Building Regulations 1993*.
3. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (powerdevelopment@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” will be required from the Alice Springs Town Council before commencement of any work within the road reserve.
5. The Department of Environment, Parks and Water Security 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. All developers, including owner-builders, are required to comply with Commonwealth telecommunications requirements. Under Commonwealth law, developers are generally required to provide fibre-ready pit and pipe in their developments at their expense. Developers may be able to access an exemption from these arrangements in some circumstances. For more information visit www.infrastructure.gov.au/tind
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

1. Pursuant to section 51(1)(a) of the *Planning Act 1999*, 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 land is within Zone LR (Low Density Residential) of the NT Planning Scheme 2020 (NTPS 2020) and the purpose of the zone is to provide predominantly for low rise urban residential development comprising individual houses and uses compatible with residential amenity, in locations where full reticulated services are available. The zone outcomes relevant to the application includes that:

- dwellings and outbuildings are setback in a manner sympathetic to neighbours, the streetscape and scale and character of surrounding development; and
- building design, site layout and landscaping provide a sympathetic interface to the adjoining public spaces and between neighbours, provides privacy and attractive outdoor spaces.

The development requirements of "Part 5" of the NTPS 2020 include Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures) which requires that support columns of a carport (an ancillary structure without external walls) are setback a minimum of:

- 1.5m to the side and secondary street boundaries (0.6m building setback for roof eaves and gutters); and
- 4.5m to the primary street boundary (3.6m roof eaves and gutters).

The application (as amended) proposes a carport addition to the dwelling-single that will have reduced building setbacks to the primary street boundary 0.73m (support column at closest point) and <0.73m (roof eave / gutter - details of setback not provided in application).

Pursuant to sub-clause 5 of Clause 1.10 (Exercise of Discretion by the Consent Authority) of the NT Planning Scheme 2020, the consent authority may consent to a proposed development which is not in accordance with a requirement set out in Parts 3, 5 or 6 only if it is satisfied that the variation is appropriate having regard to the purpose and administration clauses of the requirement.

Administratively, the consent authority may consent to a development that is not in accordance with the setback requirements of the clause if the variation satisfies:

- a) the purpose of Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures); and
- b) the zone purpose and outcomes.

A variation to Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures) to allow the reduced building setbacks is considered to be appropriate to the site and consistent with the outcomes of Zone LR and purpose of Clause 5.4.3 for the following reasons:

- The height, roof pitch, colours and building materials of the carport will be compatible with the existing dwelling-single on the site and the existing boundary fence referred to in the application;

- The carport is an open sided structure and the reduced primary street building setback is considered to be compatible with the existing buildings and landscaping on the subject site and streetscape.
- The dimensions (length, width and height) of the carport allow for sufficient space for 2 cars to be parked (side by side) underneath the structure and associated clearance distances.
- No public submissions were received during the statutory notification process.

The considerations listed under Clause 1.10(3) do not apply to this development application because the application became Merit Assessable under Clause 1.8(1)(b)(ii)(2), and under Clause 1.10(2), the consent authority only must consider the requirements in Part 5 that are not complied with for such applications.

2. Pursuant to section 51(1)(j) of the *Planning Act 1999*, the Development Consent Authority must, in considering a development application, 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 considered capable of supporting the proposed development of a carport as it has been identified for Zone LR purposes and the dwelling-single was lawfully established. The carport will be located on part of the site that is already level and cleared. Service authority requirements have all been addressed by the inclusion of conditions and notes on the development permit.

3. Pursuant to section 51(1)(m) of the *Planning Act 1999*, 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:

The conditions of approval and advisory notes are intended to assist in ensuring:

- Service authority interests are duly recognised in terms of storm water drainage, works within the road reserve, vehicle access, sightlines that apply to the development of a carport addition to the dwelling-single and the associated modifications to the kerb crossover and driveway; and
- The NTPS 2020 objectives and development performance criteria relating to the provision of services/infrastructure will be complied with.

4. Pursuant to section 51(1)(n) of the *Planning Act 1999*, 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.

The development application (as amended) is solely for the purpose of seeking consent to build a structure ancillary to an existing dwelling-single less than the minimum distance from the primary street boundary. By the nature of the design of the development proposed, there will not be a significant effect on the existing and future amenity of the locality.

5. Notification of the application was undertaken in accordance with the requirements of the *Planning Act 1999* and the *Planning Regulations 2000* that were in force at the time of lodgement. No public or local government council submissions were received.
6. Amended drawings are required as the drawings included with the application did not show full details of building colours, roof eaves and gutters and landscaping works.

FOR: 4 AGAINST: 0 ABSTAIN: 0

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
13 February 2023