



DEVELOPMENT CONSENT AUTHORITY

ALICE SPRINGS DIVISION

MINUTES

MEETING No. 262 – WEDNESDAY 10 MARCH 2021

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

MEMBERS PRESENT: Suzanne Philip (Chair), Deepika Mathur, Jamie de Brenni

APOLOGIES: Chris Neck, Jimmy Cocking
Dilip Nellikat Alice Springs Town Council

OFFICERS PRESENT: Peter Somerville, Jennie Ryan

Meeting opened at 11:15am and closed at 11:40am

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 DWELLING-SINGLE WITHIN DEFINED FLOOD AREA AND HOME BASED BUSINESS WITH VARIATION TO MAXIMUM STORAGE AREA
PA2020/0416 LOT 9451 (281) ROSS HWY, SUBURB OF ROSS
APPLICANT ZONE A PTY LTD – CONTACT AARON HESTER

Hamish McGauchie (Land Owner) and Aaron Hester (zone A Pty Ltd) attended the meeting and spoke further to the application.

RESOLVED That, the Development Consent Authority vary the requirements of Clause 5.4.3 (Building Setbacks of Residential Building and Ancillary Structures) and Clause 5.4.10 (Home Base Business) of the Northern Territory Planning Scheme 2020 and pursuant to section 53(a) of the Planning Act 1999, consent to the application to develop Portion 9451 (281) Ross Highway, Suburb of Ross, Town of Alice Springs for the purpose of a dwelling-single and related home based business, subject to the following conditions:
0018/21

CONDITIONS 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. vehicle access off the Ross Highway, as compliant with the requirements of the Department of Infrastructure, Planning and Logistics (Transport and Civil Services Division); and
 - b. one dwelling-single with all remaining structures indicated as non-habitable sheds/ancillary structures with the 24m x 9m shed only designated for home based business use.

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 finished floor levels of “habitable rooms” of the “dwelling-single” shall be no lower than 556.55 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 dwelling-single. Levels should be provided for a minimum of 2 points on the finished floor of the dwelling. This condition is to the satisfaction of the Development Consent Authority.
4. Any proposed work (including the provision or connection of services) within, or impacting upon the Ross Highway road reserve shall be in accordance with the standards and specifications of the Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics. Design documents must be submitted to the Director Corridor Management, Transport and Civil Services Division for Road Agency Approval and no works are to commence prior to approval and receipt of a “Permit to Work Within a Road Reserve”.

5. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics to the satisfaction of the consent authority.
6. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics, 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 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.
9. An approved effluent disposal system to the requirements of the Department of Health and to the satisfaction of the consent authority must be installed concurrently with the erection of the dwelling and all waste must be disposed of within the curtilage of the property.
10. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land and roads to the satisfaction of the consent authority.
11. No goods are to be stored or left exposed outside the building(s) so as to be visible from any public street.
12. All waste material not required for further on-site processing must be regularly removed from the site to an approved facility. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created to the satisfaction of the consent authority.
13. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - (a) transport of materials, goods or commodities to or from the land;
 - (b) appearance of any building, works or materials;
 - (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; or
 - (d) presence of vermin.

NOTES

1. 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.
2. A "Permit to Work Within a Road Reserve" or similar may be required from *the Department of Infrastructure, Planning and Logistics* before commencement

of any work within the road reserve (Ross Highway) and Crown land (Lot 2421).

3. Notwithstanding the approved plans, all signage is subject to *Alice Springs Town Council* approval, at no cost to Council.
4. 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.
5. 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.
6. 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*.
7. 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.
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. 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.
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(1)(a) of the *Planning Act 1999*, 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 NT Planning Scheme 2020 applies to the land which is with Zone RL (Rural Living).

In accordance with Clause 1.9.1(c) of the NTPS 2020 the development and use is '*Impact Assessable*' and requires consent.

Sub-clause 4 of Clause 1.10 (Exercise of Discretion by the Consent Authority) of the NTPS 2020 specifies -

In considering an application for a use or development identified as Impact Assessable the consent authority must take into account all of the following:

- (a) any relevant requirements, including the purpose of the requirements, as set out in Part 5;
- (b) any Overlays and associated requirements in Part 3 that apply to the land;
- (c) the guidance provided by the relevant zone purpose and outcomes in Part 4; and
- (d) any component of the Strategic Framework relevant to the land as set out in Part 2.

The strategic framework (Part 2 of the Scheme), including:

- Alice Springs Regional Land Use Plan 2016, which is relevant to this application;
- Zone purpose and outcomes of Clause 4.7 Zone RL (Rural Living), and
- the following Clauses:
 - 3.6 (Land Subject to Flooding)
 - 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures)
 - 5.4.10 (Home Based Businesses)

The subject site is identified on current flood mapping as being liable to inundation in a 1% AEP Defined Flood Event. Floor levels of the new dwelling 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 3.6 of the NT Planning Scheme.

The consent authority grants a variation to clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures) to allow the Dwelling-single to be located within 10m of the rear (northern) boundary given the:

- site limitations imposed by flooding;
- residential nature of the development; and
- the undeveloped open space of the adjoining land within Zone CN (Conservation).

The variation is not expected to compromise the purpose of the clause.

The consent authority grants a variation of clause 5.4.10 (Home base Business), subclause 5(b)(i) to allow the combined use of a shed and outdoor storage area in excess of 200m², where the internal floor area of the shed (211m²) and outdoor hard stand (76m²) on the northern side of the shed are also used for the storage of personal items and vehicles, but may be used from time to time in association with the home based business, subject to compliance with the other provisions of Clause 5.4.10.

2. Pursuant to section 51(1)(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, and any evidence or information received under section 50, in relation to the development application. The application was exhibited in accordance with the requirements of the *Planning Act 1999* and *Planning Regulations 2000* that were in force at the time of lodgement. 1 public submission was received in opposition to the application. The matters raised in the submission have been acknowledged and discussed in the report considered by the Development Consent Authority
3. Pursuant to section 51(1)(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 merits identified in the application are considered reasonable to support the proposed development.

4. Pursuant to section 51(1)(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.

The physical characteristics of the land are considered suitable for the proposed development of the dwelling-single. No filling of the site or clearing of native vegetation will be required.

Conditions and advisory notes included in a development permit may be expected to assist in ensuring appropriate management of erosion, dust and noise during construction. Conditions of approval will address the Department of Infrastructure, Planning and Logistics' requirements in terms of works/impact on the adjacent road reserves and storm water drainage.

5. Pursuant to section 51(1)(m) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority is required to 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 of approval and advisory notes will assist in ensuring:

- Service authority interests are duly recognised in terms of storm water drainage, vehicle access, electricity and water services that apply to the development of the land; and

- The NTPS 2020 objectives and development performance criteria relating to site access and the provision of services/infrastructure will be complied with.

6. Pursuant to section 51(1)(n) of the *Planning Act 1999*, in considering a development application, the Development 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.

Subject to the development complying with the permit conditions and advisory notes, the proposed development and use is unlikely to have an unreasonable amenity impact on the surrounding area given its location on the site and separation from other properties

7. Pursuant to section 51(1)(r) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority is required to take into account any potential impact on natural, social, cultural or heritage values, including, for example, the heritage significance of a heritage place or object under the *Heritage Act 2011*.

There are registered sacred sites within the vicinity of the development area. An advisory note is included on the permit recommending the land owner and developer discuss the proposal with the Aboriginal Areas Protection Authority prior to undertaking any works.

FOR: 3 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

15 March 2021