



DEVELOPMENT CONSENT AUTHORITY

ALICE SPRINGS DIVISION

MINUTES

MEETING No. 197 – WEDNESDAY 10 JUNE 2015

**DOUBLE TREE BY HILTON
BARRETT DRIVE
ALICE SPRINGS**

MEMBERS PRESENT: Denis Burke, David Koch, Brendan Heenan, Steve Brown and Alistair Feehan

APOLOGIES: N/A

OFFICERS PRESENT: Peter Somerville, Ben Taylor, Fraser Cormack, Kirra Cox Jennie Ryan and Kate Walker

COUNCIL REPRESENTATIVE : Dilip Nellikat

Meeting opened at 10.40 am and closed at 12.25 pm

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 DEVELOPMENT – 7 X 3 BEDROOM MULTIPLE DWELLINGS IN A TWO STOREY BUILDING
LOT 394, 10 STURT TERRACE, SUBURB OF EAST SIDE, TOWN OF ALICE SPRINGS
SUSAN DUGDALE AND ASSOCIATES**

Mr Brendan Chan attended the meeting on behalf of the applicant.

**RESOLVED
0048/15**

That, the Development Consent Authority vary the requirements of Clause 7.1.1 (Residential Density Limitations) and Clause 7.5 (Private Open Space) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 394, 10 Sturt Terrace, Suburb of East Side, Town of Alice Springs for the purpose of a 7 x 3 bedroom multiple dwellings in 1 x 2 storey building, subject to the following conditions:

1. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
2. 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 landscape concept plan dated 13.04.2015 prepared by Susan Dugdale & Associates, except that the plan must show:
 - (a) additional planting to provide screening to adjacent lots and comply with the requirements of sub-clause 3 of Clause 7.4 which requires the building setback between Unit 7 and the laneway boundary to be “landscaped to provide a visual screen to the adjacent land zoned SD for a minimum depth of 3m”.
 - (b) provision of an in ground irrigation system to all landscaped areas.
All species selected must be to the satisfaction of the consent authority.
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; and
 - (e) line marked (or otherwise suitably delineated) to indicate each car space and all access lanes
to the satisfaction of the consent authority.
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
4. Protective kerbs (of a minimum height of 150mm) must be provided to the

satisfaction of the consent authority to prevent damage to fences or landscaped areas.

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.
7. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage and electricity facilities, to the development shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.
8. 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.
9. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created.
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. Stormwater is to be collected and 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.
12. 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. This condition is to the satisfaction of the consent authority on advice from the Alice Springs Town Council.
13. 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.

NOTES:

1. 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.
2. The Aboriginal Areas Protection Authority recommends that the permit holder obtain an Authority Certificate to indemnify against prosecution under the *Aboriginal Sacred Sites Act*. For advice on how to obtain a certificate please contact the Aboriginal Areas Protection Authority.

3. 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.
4. Professional advice regarding implementation of soil erosion control and dust control measures that could be employed throughout the construction phase of the development is available from Department of Land Resource Management.
5. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentsouth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
6. 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.
7. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act 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.

REASONS FOR THE DECISION

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. Subject to the receipt of a detailed landscaping plan and compliance with conditions of approval, the proposed use and development as presented in the application is considered to be generally consistent with the following clauses and objectives of the NT Planning Scheme:
 - Clause 4.3 (Planning Principles – Alice Springs); and
 - Zone MR (Medium Density Residential), the primary purpose of Zone MR is to provide for a range of housing options to a maximum height for four storeys above ground level. The development is under the 3 storey height limitation (imposed by Clause 6.2) and the scale, character and architectural style of the multiple dwelling development is compatible with the streetscape and surrounding development within East Side.
2. A variation to Clause 7.1.1 (Residential Density Limitations) of the NT Planning Scheme is considered justified in this instance as:

- There is no evidence to suggest that the existing reticulated services, community facilities and public infrastructure in the area cannot support the proposed development and the proposal is consistent with land capability. Conditions on the Development Permit will ensure that the development is constructed in accordance with service authority requirements;
 - The development is under the three storey (to 14m) building height limitation that applies to MR zoned land in Alice Springs;
 - The design is compatible with the architectural style, site coverage, heights, setbacks and landscaping of other multiple dwelling developments along Sturt Terrace; and
 - The proposed dwelling density is consistent with the planning principle of Clause 4.3(a) of the NT Planning Scheme for Alice Springs, which aims to “provide for orderly development catering for a growing population maximising options for urban infill”.
3. Variations are granted to Clause 7.5 (Private Open Space) of the NT Planning Scheme to allow private open space areas for some of the dwellings (as shown on the drawings) that do not fully comply with the minimum standard area dimensions. Variations to this provision are supported, as the following circumstances apply to the development:
- The dimensions (length and width) of the non-compliant private open space areas are considered adequate to meet the expected needs of future occupants of those dwellings;
 - the private open space areas are positioned to enable an extension of the function of each dwelling;
 - the areas of private open space are considered to be appropriate for the floor areas and layout of each dwelling; and
 - there are areas of quality public open space and sporting facilities in close proximity to the site (Todd River, Ross Park, sports facilities and neighbourhood parks).
4. Pursuant to section 51(h) of the *Planning Act*, in considering a development application the Development Consent Authority must take into account the merits of the proposed development as demonstrated in the application:
- The addition of 7 multiple dwellings into the Alice Springs housing market will contribute towards achieving Objective 1 of the Strong Society vision contained in the Framing the Future strategic plan to support Territorians with diversity of housing choices under the *Real Housing for Growth* plan.
 - The application contends that the proposal fulfils the objectives of the performance criteria requirements of the NT Planning Scheme and the approved dwelling density and associated variations to minimum standards for development are not expected to compromise the amenity of occupants of the development or to adjacent and nearby land.
5. Pursuant to section 51(j) of the *Planning Act*, in considering a development application the Development Consent Authority must take into account the 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 multiple dwellings. The site and floor layouts, private open space provision and other aspects of the design fulfil the intent of

the objectives of the NT Planning Scheme relevant to multiple dwelling use.

6. Pursuant to section 51(m) of the *Planning Act*, in considering a development application the Development Consent Authority must take into account the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities or infrastructure to be provided by the developer for that purpose. The Power and Water Corporation has advised that areas of the site need to be set aside for connections to and infrastructure for power, water and sewer services and easements may be required. These locations are noted on the drawings and the conditions of approval are intended to ensure service authority interests are duly recognised.
7. Pursuant to section 51(n) of the *Planning Act*, 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 proposed development is appropriate for the zoning, site and locality and subject to the receipt of a detailed landscaping plan, compliance with conditions of approval, potential adverse impact on the surrounding area will be mitigated. Consideration has been given to the streetscape and surrounding area. The development application was publicly exhibited for 14 days, no public or local authority submissions were received in relation to the application.
8. A detailed landscaping plan is required to ensure that the visual bulk of the development is minimised and that the design achieves full compliance with the requirements of sub-clause 3 of Clause 7.4 of the NT Planning Scheme.

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

ITEM 2 DEVELOPMENT – HOME BASED CONTRACTING (PLUMBING CONTRACTOR) & HOME OCCUPATION WITH VARIATIONS TO SITE AREA, NUMBER OF VEHICLES AND PARKING LAYOUT AND PLACE 3 DEMOUNTABLE STRUCTURES ON THE SITE INSTEAD OF A MAXIMUM OF 2 NT PORTION 1893, 6 PETRICK ROAD, SUBURB OF CONNELLAN, ALICE SPRINGS

Development Assessment Services tabled comment received from the NT Fire and Rescue Service in relation to the application.

Domenico Pecorari, Stephen Zanca and Lily Tan attended the meeting in support of the application and addressed the meeting in relation to the application.

Ross Copland, Angela Copland, Rod Cramer, Erwin Chlanda and Edward J Flattum attended the meeting and added to their written submissions.

**RESOLVED
0049/15**

That, the Development Consent Authority vary the requirements of clause 6.5.3 (Parking Layout) and clause 7.10.8 (Home Based Contracting) 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 NT Portion 1893 (6) Petrick Road, Suburb of Connellan, Alice Springs for the purpose of home based contracting (plumbing contractor), 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 in Adobe PDF format and generally in accordance with the plans submitted with the application as amended through plans prepared by Domenico Pecorari and Associates Pty Ltd Architects and dated 22 May 2015, but modified to show:
 - (a) all storage areas for the home based contracting (HBC) limited to within the large shed, but allowing parking of HBC vehicles within identified HBC parking spaces (i.e. the small truck and trailer space and 2 additional parking spaces to western side of the shed) shown in the plans dated 22 May 2015;
 - (b) a maximum of two shipping containers (demountable structures) on the site relocated to the south-western side of the shed with the use of both containers restricted to personal use; and
 - (c) an irrigation system installed to the landscaped areas (areas of new landscaping required as part of this 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, to the satisfaction of the consent authority.
3. No more than six (6) vehicles (including excavators and bobcats, but not including workers vehicles left at the property while away on contract jobs) associated with the home based contracting (HBC) are to be located on the site at any one time.
4. Storage of items/materials related to the home based contracting (HBC) use must be limited to areas within the shed as shown on the endorsed plans identified for that purpose. HBC vehicles (including excavators and bobcats) may be located either in the shed or in identified HBC parking spaces shown on the endorsed plans.
5. The driveway providing access to the home based contracting parking area must be surfaced with cracker-dust/quarry gravel or equivalent to the satisfaction of the consent authority within 90 days of the date of this permit and thereafter be maintained to the satisfaction of the authority.
6. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - a) transport of vehicles, materials, goods or commodities to or from the land;
 - b) appearance of any structure, works or materials; and
 - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;to the satisfaction of the consent authority.
7. Loading and unloading of vehicles, equipment and materials related to the home based contracting is restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays.
8. Proposed landscape screening (planting), generally in accordance with the endorsed

plans, is to be undertaken within 90 days of the date of this permit. Landscaping is required to be established and maintained to the satisfaction of the consent authority in a manner that provides substantial screening of storage areas from adjoining NT Portion 1882 and NT Portion 1892 respectively. Existing planting that provides screening of home based contracting storage areas from Colonel Rose Drive and Petrick Road must be maintained to the satisfaction of the consent authority.

NOTES:

1. This development permit does not grant "building approval" for the structures 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 further construction works.
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentsouth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
3. There are statutory obligations under the *Weeds Management Act* to take all practical measures to manage weeds on the property. For advice on weed management please contact the Department of Land Resource Management.
4. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from Department of Land Resource Management.
5. Telstra advises that the developer is required 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.
6. 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.
7. A Permit to Work Within a Road Reserve may be required from Alice Springs Town Council before commencement of any work within a road reserve.

REASONS FOR THE DECISION

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 land is located within Zone RL (Rural Living) of the NT Planning Scheme (the Planning Scheme) and 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 consent authority considered the activities to be consistent with the land use definitions of “home based contracting” and “home occupation”. These uses are permitted uses in Zone RL subject to compliance with applicable performance criteria. The consent authority has the discretion to determine whether or not to grant the variations where elements of the home based contracting development do not meet the performance criteria under Part 4 of the Planning Scheme as follows:

- a) A variation to sub-clause 3(b) of Clause 6.5.3 (Parking Layout) with respect to sealing of driveway and parking areas is supported, as:
 - (i) the Scheme identifies that in non-urban locations, dust-suppression may be an acceptable alternative to sealed surfaces; and
 - (ii) the application proposes surfacing the driveways and parking areas with ‘cracker-dust’/quarry gravel, which is considered to be an appropriate alternative dust-suppression measure to sealing and may be reasonably expected to assist in ensuring that the home based contracting use does not unduly affect the amenity of adjoining properties or the locality on account of dust emissions.
- b) A variation to sub-clause (3)(i) of Clause 6.5.3 (Parking Layout) with respect to reduced driveway width is supported, as the proposed driveway width ranges from approximately 4.5m to 6m and is expected to conveniently facilitate private on-site traffic flow for the approved use.
- c) Under sub-clause 3 of Clause 7.10.8 (Home Based Contracting) of the Planning Scheme, the consent authority may approve an application for home based contracting that is not in accordance with sub-clause 2 only if it is satisfied the proposed home based contracting is appropriate to the site having regard to the potential impact of the home based contracting on the residential amenity of adjoining and nearby property:
 - (i) A variation to sub-clause 2(i) of Clause 7.10.8 is required, as the total area of the site that is used for the home based contracting (including areas used temporarily) exceeds 200m². The permit conditions require the use to be contained primarily within the existing shed (vehicles excepted) which will provide secure and sheltered storage for tools and other materials associated with the land owners plumbing business. A variation is supported and conditions on the development permit require landscaping to be established and maintained so as to provide effective screening.
 - (ii) A variation to sub-clause 2(iv) of Clause 7.10.8 is required, on a short-term basis, as the proposed strategy for screening the use from adjoining properties, while partially effective through use of the existing shed and established vegetation for screening, is also partially dependant on proposed landscaping (planting), which may be expected to take some time to become established.
 - (iii) A variation to sub-clause 2(v) of Clause 7.10.8 is required, as the home based contracting use (as approved) includes a maximum of 6 vehicles (including two excavators and a bobcat) rather than a maximum of 3.

The consent authority has granted variations to sub-clause 2 of Clause 7.10.8 of the NT Planning Scheme, as it is satisfied that the development and use, as approved, is appropriate to the site having regard to the potential impact of the home based contracting on the residential amenity of adjoining and nearby property.

2. Pursuant to section 51(e) of the *Planning Act*, in considering a development application the Development Consent Authority must take into account any public or local authority submissions made under section 49 of the *Planning Act* and any evidence or information received under section 50 of the Act. The application was publicly exhibited in accordance with the requirements of the *Planning Act* and Planning Regulations and 42 public submissions were received. The applicant submitted a written response to the public submissions and amended plans limiting site access to the existing access on Petrick Road.

The consent authority noted:

- that the amended plans were referred to submitters; and
- a submitter's suggestion that the amendments to the plans warranted further public notification but deemed that, given the revised plans removed an additional access (off Colonel Rose Drive) further limited the outdoor area intended to be used for HBC purposes, any further notification was unlikely to result in any significant issues or concerns being identified that had not already been identified; and
- that the landscaping proposed along the northern side of the site will assist in addressing concerns raised regarding adverse impacts on the amenity of the locality.

Having considered the matters contained in the submissions, the consent authority determined to alter and approve the proposal.

3. Pursuant to section 51(j) of the *Planning Act*, in considering a development application the Development Consent Authority must take into account the capability of the land to which the proposed development relates 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 site is without significant gradient and is not located within a defined flood area. The application does not propose any substantial change to the existing development and use of the property and no significant impact on the physical characteristics of the land or adjoining properties is envisaged. The Department of Land Resource Management has advised that no concerns have been identified.
4. Pursuant to section 51(m) of the *Planning Act*, 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.

The altered application shows that no changes to the established vehicle access to the site or storm water drainage are proposed and no signage is proposed. The Power and Water Corporation (PAWC) has advised that it has no objections to the

proposed development/use, subject to relevant servicing requirements relating to electricity and water services/facilities being satisfied. It is envisaged that standard development permit conditions and notes relating to power and water services will duly recognise the PAWC's interests.

A standard permit condition and note relating to provision of telecommunication services is expected to further assist in ensuring the orderly servicing and development of the land.

The Northern Territory Fire and Rescue Service (NTFRS) has advised that it has no objections to the proposal and has identified the requirement to comply with NTFRS and building requirements for the shed. The building certifier is required to ensure that development complies with relevant requirements.

5. Pursuant to section 51(n) of the *Planning Act*, the consent authority must take into account the potential impact on the existing and future amenity of the area in which the land is situated. The authority considered that:
 - a) The site is located within a rural living locality that includes predominantly rural living use and ancillary activities on large lots averaging over 2 hectares;
 - b) The approved use will not involve any form of industrial activity i.e.: no operation of machinery or the processing of goods or materials on site;
 - c) Works to upgrade the driveway and include additional landscaping will contribute to improved amenity through dust suppression and screening;
 - d) Conditions imposed on the development will limit the number of vehicles and size of storage area that can be utilised for the approved purpose and require landscaping and dust suppression works to be carried out within a specific timeframe; and
 - e) The requirement to store all materials related to the home based contracting use within the large shed and for all associated vehicle movements to be largely kept to the southern side of the large shed is not expected to unduly impact on the existing or future amenity of adjoining properties or the locality, provided that it is appropriately managed in accordance with the permit conditions and that effective landscape screening to neighbouring properties is established and maintained.

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

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



DENIS BURKE
Chairman

16 / 6 / 2015

