

DEVELOPMENT CONSENT AUTHORITY

ALICE SPRINGS DIVISION

MINUTES

MEETING No. 176 – WEDNESDAY 9 OCTOBER 2013

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

MEMBERS PRESENT: Peter McQueen (Chairman), Brendan Heenan (not present for the deliberations of Item 1), John McBride David Koch and Steve Brown

APOLOGIES: Nil

OFFICERS PRESENT: Peter Somerville, Ben Taylor, Fraser Cormack and Kirra Morgan

COUNCIL REPRESENTATIVE : Dilip Nellikat

Meeting opened at 9:45 am and closed at 10:50 am

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 – HOME BASED CONTRACTING (GARAGING OF TRUCKS)
LOT 7105, 330 ROSS HIGHWAY, SUBURB OF ROSS, TOWN OF ALICE SPRINGS
PROJECT BUILDING CERTIFIERS PTY LTD / ONE PLANNING CONSULT**

Mr Brendan Heenan, a member of the Development Consent Authority declared an interest pursuant to section 97(1) of the *Planning Act*, and absented himself from the meeting for the deliberation of this item.

Bruce and Shirley Stanes (land owners) and Mr Israel Kgosiemang (One Planning Consult) attended the meeting in support of the application.

Submitters Rod Cramer (on behalf of the Alice Springs Rural Area Association), Brian Shearn, Cliff Glover, Greg Taylor and Karen Burgemeister attended the meeting.

Israel Kgosiemang tabled documentation (receipts and other accounting statements, letters, email, freight receipts).

**RESOLVED
0080/13**

pursuant to section 53(c) of the *Planning Act*, the Development Consent Authority refuse to consent to the application to develop Lot 7105, 330 Ross Highway, Suburb of Ross, Town of Alice Springs for the purpose of home based contracting (garaging of trucks) for the following reasons:

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority, in considering a development application, must take into consideration the planning scheme that applies to the land to which the application relates. The subject land is zoned RL (Rural Living) under the NT Planning Scheme (the Scheme) which applies to the land. Under clause 3.0 (Definitions) of the Scheme:

a) 'Home Based Contracting' means:

"The storage on a site of a dwelling of materials and / or vehicles associated with a business operated by a person resident in the dwelling, but which business does not operate on the site of the dwelling".

b) 'Transport Terminal' means:

"premises used for the:

(a) loading, discharge or storage of goods in the course of the transport of those goods, by air, road, rail or ship;

(b) garaging and basic maintenance of fleet vehicles; or

(c) servicing, repair and garaging of buses;"

Under clause 2.2.5(b) of the NT Planning Scheme, subject to clause 2.3, a use or development of land within a zone is prohibited if the use or development is

shown on the relevant zoning table as prohibited. Under Part 3 of the NT Planning Scheme, the Table to Zone RL (Rural Living) identifies Transport Terminal as a 'prohibited' use.

Pursuant to section 52(1)(b) of the *Planning Act*, the Development Consent Authority must not consent to a proposed development if the proposed development is contrary to a planning scheme provision referred to in section 9(1)(a) or section 9(1)(b) of the *Planning Act*.

The application, including supplementary documentation and verbal submissions by, and on behalf of, the applicant, describe a proposed land use for Lot 7105, Ross Highway, Town of Alice Springs that is consistent with the defined land use of Transport Terminal as set out in the Scheme, in that the proposed use includes:

- loading, discharge and storage of goods in the course of the transport of those goods, by road; and
- garaging and basic maintenance of fleet vehicles.

The Development Consent Authority:

(a) noting that:

- (i) the subject site is the "principal place of business" of Stanes Transport Pty Ltd (company name registered on 05/03/2009) and the Director and Secretary is Mr Mark Stanes;
- (ii) the applicant has demonstrated that the use of parts of the site as a base for a transport business pre-dates the introduction of the Alice Springs Town Plan 1981;
- (iii) 'Transport Terminal' was a defined use in terms of the Alice Springs Town Plan 1981;
- (iv) the land was zoned Zone RA (Rural Zone RA) under the Alice Springs Town Plan 1981;
- (v) 'Transport Terminal' was a prohibited use in Zone RA (Rural Zone RA) under the Alice Springs Town Plan 1981;
- (vi) 'Agriculture' was a permitted (i.e. as-of-right) use in Zone RA under the Alice Springs Town Plan 1981;
- (vii) under section 34(2) of the *Planning Act*, "A person may continue an existing use only if the use is restricted to the part of the land on which the use was made immediately before the commencement of the conflicting provision";
- (viii) the Department of Lands, Planning and the Environment's records do not appear to include any consent under the *Planning Act* for either additions to an 'existing building' or 'existing works' or to increase the intensity of the use of the premises for the purpose of a Transport terminal since the introduction of the Alice Springs Town Plan 1981;
- (ix) under Clause 7.10.8 (Home Based Contracting) of the NT Planning Scheme – the purpose of this clause is "to ensure that home based contracting is established and operated in a manner that does not detract from the amenity of the locality";
- (x) the transport business (which is already in operation) has adverse impacts (and / or perceived adverse impacts), most notably in terms of noise, dust and visual amenity impacts) on occupants of adjoining properties as evidenced in written and verbal submissions by residents of other properties in the locality, including residents of the adjoining Lot 8209 and Lot 563

- respectively which about the subject site (Lot 7105);
- (xi) the proposed transport business use exceeds the 200m² maximum area that may be used permanently or temporarily for a home based contracting use under clause 7.10.8.2(a)(i) of the Scheme; and
- (xii) under sub-clause 7.10.8.3, the consent authority may only approve an application for home based contracting that is not in accordance with sub-clause 7.10.8.2 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;
- (b) acknowledging that:
- (i) Agriculture is a discretionary use in Zone RL (Rural Living) under the NT Planning Scheme and was a discretionary use under the Alice Springs Town Plan 1992 and that existing use rights have been maintained for the use of part of the property for the purpose of Agriculture; and
- (ii) some existing use rights under section 34(1) of the *Planning Act* may apply with respect to a transport terminal (garaging of trucks) use;
- (c) has concluded that:
- (i) the intensity of the transport terminal use has increased since the introduction of the Alice Springs Town Plan 1981; and that this is evidenced by aerial photographs of the site which were included in the Department of Lands, Planning and Environment's initial report to the consent authority on the development application for Home Based Contracting as well as documents included in the application and/or provided to the consent authority by the applicant in relation to the application;
- (ii) the transport business operating from the property (including part of a shed constructed on the property) includes the loading, discharge and storage of goods in the course of the transport of those goods, by road; and garaging and basic maintenance of fleet vehicles; and clearly fits the NT Planning Scheme definition of Transport Terminal;
- (iii) the consent authority may not grant consent to transport terminal use of Lot 7105, as that that use is prohibited in Zone RL (Rural Living);
- (iv) the transport business use may not reasonably be considered to constitute a Home Based Contracting use, given that:
- the application proposes the use of 350m² of shed area in association with the transport business, whereas the maximum area for use in association with the transport use storage area normally permitted is 200m²;
 - the business (Stanes Transport (NT) Pty Ltd) operates from the subject site;
 - the application, public submissions and supplementary information identify that the premises is used for the loading, discharge and storage of goods in the course of the transport of those goods by road;
 - the transport business has adverse impacts (and perceived adverse impacts), most notably in terms of noise, dust and visual amenity impacts) on occupants of adjoining properties as evidenced in written and verbal submissions by residents of other properties in the locality, including residents of the adjoining Lot 8209 and Lot 563 respectively

- which abut the subject site (Lot 7105); and
 - the scale of the current transport terminal use of the property (as presented in the application, supplementary information and submissions) exceeds any existing use rights that could reasonably be afforded under section 34(1) of the *Planning Act*;
- (v) consent to continue the existing transport terminal use at the scale and intensity proposed would need to be sought through an application under section 38(1) of the *Planning Act*;
- (vi) having regard to:
- the fact that the proposed development exceeds the 200m² maximum site area that may be used permanently or temporarily; and
 - the potential impact of the proposed use (at the scale proposed) on the residential amenity of adjoining properties as noted above, the site would be considered unsuitable for the proposed home based contracting use if that was considered to be that use (i.e. rather than transport terminal); and
- (vii) in accordance with clause 7.10.8.3 it could not consent the application.
2. Pursuant to section 51(e) of the *Planning Act*, in considering a development application the 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. Six public submissions were received (including from the owners of the allotments (Lot 8209 and Lot 563) adjacent to the subject site) about the application. The matters raised in the six submissions, supplementary submissions and evidence given by submitters at the public hearings in May and October 2013 have been noted by the consent authority.
3. Pursuant to section 51(n) of the *Planning Act*, the consent authority is required to consider the potential impact on the existing and future amenity of the area in which the land is situated. The application has not satisfactorily addressed the impacts of the transport business related activity on the amenity of the area and matters raised in public submissions indicate that these have had a detrimental effect on the 'rural living' character and amenity of the immediate area.

ACTION:

Notice of Refusal

**ITEM 2 DEVELOPMENT – 4 X 3 BEDROOM MULTIPLE DWELLINGS IN 2 X 2 STOREY BUILDINGS
LOT 10017, 48 IRRAMPENYE STREET, SUBURB OF MT JOHNS, TOWN OF ALICE SPRINGS
RJ HUGHES NOMINEES PTY LTD**

Simon Pettit (Zone A Pty Ltd) and Ron Hughes attended the meeting in support of the application.

Submitter Claire Dawson attended the meeting.

**RESOLVED
0081/13**

That, the Development Consent Authority vary the requirements of Clause 6.5.3 (Parking Layout) and Clause 7.3 (Building Setbacks for Residential Buildings) of the NT Planning Scheme, and pursuant to section 53(b) of the *Planning Act*, alter the proposed development and consent to the proposed development as altered to develop Lot 10017 (48) Irrampenye Street, Suburb of Mount Johns, Town of Alice Springs, for the purpose of 4 x 3 bedroom multiple dwellings in 2 x 2 storey buildings, subject to the following conditions:

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 two copies must be provided. Amended plans must be generally consistent with the plans publicly exhibited, as amended through plans submitted on 4 October 2013 as part of the application, but modified to include:
 - (a) changes to the window treatment to the western wall of Unit 4:
 - (i) consistent with proposed amendments detailed in an Additional Information statement prepared by Zone A Pty Ltd and submitted on 4 October 2013; or
 - (ii) by omitting the window;
 - (b) a proposed profile/s (typical) across the northern boundary of the site, showing as-constructed site levels at the time of the completion of the subdivision under Development Permit DP09/0613, proposed site levels and proposed works to retain fill on the site, including retaining walls/structures and/or batter stabilisation measures and fencing;
 - (c) a proposed profile/s (typical) across the western boundary of the site, including details of relative heights of proposed fencing, retaining wall/s, site level and finished floor levels for Unit 4;
 - (d) 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 numbered 2270_TP08_TP prepared by Zone A Pty Ltd, except that the plan must show:
 - (i) revisions to fencing and planting adjacent to the boundary with Lot 10016, generally consistent with proposed amendments detailed in an Additional Information statement prepared by Zone A Pty Ltd and submitted on 4 October 2013;
 - (ii) details of surface finishes of pathways and driveways;
 - (iii) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - (iv) landscaping and planting within all open areas of the site; and
 - (v) provision of an in ground irrigation system to all landscaped areas;
 - (e) proposed fence details, generally consistent with the drawing numbered 2270_TP08_TP prepared by Zone A Pty Ltd, but amended to:
 - (i) include a mix of solid and 'open-type' fencing to the northern boundary of the site, with some 'screen' planting adjacent to open sections; and
 - (ii) include colour finishes to the western surface of fencing on the western

boundary, with colour finishes consistent with existing fencing on that boundary.

Plant species selection is to the satisfaction of the consent authority. Species should be selected with due regard to relevant criteria contained in Clauses 6.12 (landscaping) 7.5 (Private Open Space) and 7.7 (landscaping for multiple dwellings, hostels and supporting accommodation) of the NT Planning Scheme.

The consent authority will support (but does not require) an increase to:

- the western boundary building setback and an attendant a reduced setback to the Irrampenye Street (front) boundary, provided that that the walls of Unit 1 are no closer than 5 metres to the front boundary; and/or
- the southern boundary building setback.

If dwelling locations are amended to provide increased boundary setbacks, plans must be amended to demonstrate that the revised proposal complies with Clause 6.2 (Building Heights in Alice Springs) and Clause 7.1.2 (Residential Height Limitations) of the NT Planning Scheme. Finished floor levels for all dwellings must be referenced to the Australian Height Datum.

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 or otherwise suitably delineated to indicate each car space; to the satisfaction of the consent authority.Car spaces and driveways must be kept available for these purposes at all times.
4. 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, to the satisfaction of the consent authority, on advice from the Alice Springs Town Council.
5. 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.
6. 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.
7. 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.

8. 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.
9. 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.
10. 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.
11. All air conditioning condensers are to be appropriately screened from adjacent properties and streets, and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
12. All site fill is to be retained on Lot 10017. The suitability of fill retention works for the purpose of retaining fill must be verified by a registered building certifier. This condition is to the satisfaction of the consent authority.
13. The finished floor level of Units 1 and 2 must not exceed 575.05 metres Australian Height Datum (AHD) and the finished floor level of Units 3 and 4 must not exceed 574.85 metres AHD.
14. If dwelling locations are amended to provide increased boundary setbacks, in response to Conditions Precedent 1, the finished floor level of dwellings must not exceed the approved levels.

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 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. The Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency'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. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities.
5. 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 FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. The proposal is consistent with the primary purpose of Zone MD (Multiple Dwelling Residential) of the NT Planning Scheme 'to provide for a range of housing options to a maximum of two storeys above ground level. The scale, character and architectural style of infill development should be compatible with the streetscape and surrounding development'. The proposed development (as amended) achieves a high level of compliance with prescriptive requirements of the NT Planning Scheme and is expected, in general terms to meet the intent of the Zone MD purpose statement; assist in the provision of a range of housing options; and be of a scale and form that is compatible with the established streetscapes and development in the area. While:
 - a) it is envisaged that some loss of amenity (or perceived amenity) may be expected:
 - (i) potential privacy impacts on Lot 9018 and Lot 10016 could be reduced by appropriate revisions to design and/or siting and suitable landscaping and fencing; and
 - (ii) potential amenity impacts on adjoining streets and properties could be further limited by suitable revisions to landscaping and fencing plans;
 - b) the development (as amended) is not expected to unduly affect the amenity to the occupants of adjoining Lot 9018, on account of the height of proposed fencing and buildings in relation to those on adjoining Lot 9018, in conjunction with the proximity of proposed Unit 4 to the private open space area to the eastern-most dwelling on Lot 9018, Clough Place.
2. A variation to Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme to allow Unit 1 to be setback 5m from the front boundary instead of the minimum 6m is granted as special circumstances are identified wherein:
 - (i) the proposed rear boundary setbacks comply with Clause 7.3 of the Planning Scheme and are considered by the consent authority to be adequate in terms of the purpose of clause 7.3;
 - (ii) the applicant has indicated a willingness to consider a revised siting layout with an increased setback to the western boundary (subject to consent authority support for a reduced front setback); and

- (iii) an increased setback to the western boundary is expected to have amenity benefits for occupants of adjoin Lot 9018; and
 - (iv) the consent authority does not anticipate any significant impact on the Irrampenye Street streetscape as a result of a 1 metres reduction in the front building setback, having regard to the purpose of Clause 7.3 of the Planning Scheme.
3. A variation to Clause 6.5.3 (Parking Layout) of the NT Planning Scheme for part of a driveway to be narrower than 6 metres is supported in this instance as the driveway design allows a wider landscaped strip adjacent to the central section of the southern boundary and is expected to reduce the visual mass of the driveway area as well as creating some visual interest from the street and the proposed parking layout is expected to be convenient and functional.
 4. The proposed southern side boundary setbacks comply with Clause 7.3 of the NT Planning Scheme and are considered by the consent authority to be adequate in terms of the purpose of Clause 7.3. Notwithstanding, the applicant has indicated a willingness to consider a revised siting layout with an increased setback to the southern boundary and such a revision is expected to result in improved amenity outcomes for residents of adjoining Lot 9018 without any significant amenity impact on the amenity of the subject site, adjoining streets or adjoining properties.
 5. The site has been filled since subdivision under Development Permit DP09/0613 and plans provided (including amended plans submitted on 4 October 2013), do not demonstrate how fill will be retained on the site and failure to effectively retain fill may adversely impact on adjoining properties.
 6. Pursuant to section 51(e) of the *Planning Act*, in considering a development application the 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*. Submissions received from the public indicated a range of concerns in relation to the proposal, including potential amenity impacts on adjoining properties. The issues raised in submissions and matters listed under section 51 of the *Planning Act* have been duly considered.
 7. Pursuant to section 51(h) of the *Planning Act* the consent authority must take into consideration the merits of the proposal. The proposal is expected to benefit the local community through the provision of additional residential accommodation and to offer occupants a high level of residential amenity.
 8. Pursuant to section 51(n) of the *Planning Act* the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated. The proposed development is not expected to unduly impact on the amenity of the adjoining streetscapes or the locality generally, subject suitable revisions to the fencing and landscaping treatment adjacent to the northern boundary of the site.
 9. Condition Precedent 1 includes a requirement for revisions to the northern boundary fencing with a view to ensuring that the property's presentation to the Stephens Road frontage is compatible with existing multiple dwelling development directly fronting Stephens Road, which include predominantly open-type fencing in conjunction with landscaping. The consent authority envisages that a 45 metre long

and 1.8 metre high sheet metal screen fence may be out of character with the area and detract from the streetscape.

10. Condition 12 is intended to ensure that site fill is properly retained and that retention works are appropriately designed and certified.
11. The conditions of approval are expected to assist in ensuring the orderly development of the property and duly recognise relevant service authority requirements and interests.

ACTION: Notice of Consent and Development Permit

**ITEM 3 DEVELOPMENT – 2 X 3 BEDROOM MULTIPLE DWELLINGS IN A 1 X 2 STOREY BUILDING
LOT 8804, 155 CROMWELL DRIVE, SUBURB OF DESERT SPRINGS, TOWN OF ALICE SPRINGS
RONALD HUGHES**

Simon Pettit (Zone A Pty Ltd) and Ron Hughes attended the meeting in support of the application.

RESOLVED That, the Development Consent Authority vary the requirements of Clause 6.5.3
0082/13 (Parking Layout), Clause 7.1.1 (Residential Density Limitations), Clause 7.3 (Building Setbacks for Residential Buildings) and Clause 7.5 (Private Open Space) of the NT Planning Scheme, and pursuant to section 53(b) of the *Planning Act*, alter the proposed development and consent to the proposed development as altered to develop Lot 8804, 155 Cromwell Drive, Suburb of Desert Springs, Town of Alice Springs for the purpose of 2 x 3 bedroom multiple dwellings in 1 x 2 storey building, subject to the following conditions:

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 two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) A cross-section of the dwellings showing the relationship between existing and finished ground levels, floor levels and the apex height of the building. The apex height of the building above ground level is to be labelled on the drawings;
 - (b) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - (c) details of fencing to site and private open space boundaries (heights

above finished ground level and building materials are to be shown on the drawings)

All plant species selected must be to the satisfaction of the consent authority. Due regard must be given to the design criteria contained in Clauses 6.12 (landscaping) and 7.7 (landscaping for multiple dwellings, hostels and supporting accommodation) of the NT Planning Scheme.

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 or otherwise suitably delineated to indicate each car space; to the satisfaction of the consent authority. Car spaces and driveways must be kept available for these purposes at all times.
4. 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, to the satisfaction of the consent authority, on advice from the Alice Springs Town Council.
5. 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.
6. 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.
7. 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.
8. 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 plan in accordance with the authorities' requirements and relevant legislation at the time.
9. 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.
10. 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.

11. All air conditioning condensers 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.
12. All balconies are to be internally drained and discharge is to be disposed of at ground level and in a manner consistent with stormwater disposal arrangements for the site to the satisfaction of the consent authority.

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 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. The Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency'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. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities.
5. 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 FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. The proposal is consistent with the primary purpose of Zone MD (Multiple Dwelling Residential) of the NT Planning Scheme to 'provide for a range of housing options'. Furthermore, the two storey design and building setbacks are considered compatible with the streetscape and surrounding development.
2. A variation to Clause 6.5.3 (Parking Layout) of the NT Planning Scheme for parts of a car parking area to be located less than 3m from a street boundary and not landscaped to a depth of 3m is considered satisfactory in this instance as the proposed design is considered to be functional, maintains sight lines and the landscaping proposed is expected to provide effective screening of that part of the car parking area from the public realm, thereby lessening the visual impact of the car park when viewed from the street.
3. 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;
 - The site responsive design of the dwellings will comply with or exceed nearly all other performance criteria of the NT Planning Scheme relevant to multiple dwelling use. The design is compatible with the architectural style, site coverage, heights, setbacks and landscaping of other residential developments in the vicinity of the site: 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 and development catering for a growing population maximising options for urban infill".
4. A variation to Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme to allow the outer surface of the nib fire wall of the dwellings to be setback 5m from the front boundary instead of the minimum 6m and 0.0m from the rear boundary instead of the required 1.5m is granted as:
 - special circumstances are identified through the irregular shape of the land and the design response which reflects the irregular shape;
 - The walls are design features that provide visual interest to the proposed dwellings when viewed from the street and adjacent land and assist with privacy screening between the two dwellings;
 - The rear wall is visually consistent with the existing boundary fence between Lot 8804 and 8805 and will also service as private open space screening between Unit 1 and Unit 2;
 - The development is consistent in terms of building footprints and aesthetics of other dwellings in the immediate area;
 - the proposed multiple dwelling development is otherwise compliant with (or exceeds) all other minimum building setback distances

prescribed by Clause 7.3 of the Scheme.

5. A variation to Clause 7.5(3) (Private Open Space) of the NT Planning Scheme to allow the rear boundaries of the private open space areas (abutting Lot 8120) to have fencing less than 1.8m high and not screened in accordance with the clause is granted as:
 - The proposed fencing and private open space arrangement are compatible with other residential developments along the southern side of Cromwell Drive;
 - The design maximises the views from the site towards the Golf Course and MacDonnell Ranges and is an appropriate outcome in terms of Community Safety Design principles;
 - The lack of screening to the rear boundary will not cause any undue overlooking into private open space or habitable rooms of neighbouring dwellings.
6. Pursuant to section 51(h) of the *Planning Act* the consent authority must take into consideration the merits of the proposal. The proposal will benefit the local community through the provision of additional modern residential accommodation.
7. Pursuant to section 51(n) of the *Planning Act* the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated. The proposed multiple dwelling development is located within Zone MD (Multiple Dwelling Residential), adds to the variety of housing options in the locality and is likely to positively contribute to the future amenity of the area and landscaping will soften the development's impact to the street.
8. Pursuant to section 51(p)(i) of the *Planning Act* the consent authority must take into consideration the public interest including how community safety through crime prevention principles in design are provided for in the application. The proposed balconies overlook Cromwell Drive and the Golf Course and no solid front fencing to the site will be used thereby meeting two of the Core Design Principles contained within the *Community Safety Design Guide* and allows interaction and surveillance to the streetscape.
9. The conditions of approval are expected to assist in ensuring the orderly servicing and development of the site and minimise potential impacts on the adjoining streets and properties.
10. The application was publicly exhibited in accordance with the *Planning Act* and *Planning Regulations*. No public submissions were received.

ACTION:

Notice of Consent and Development Permit

**ITEM 4 DEVELOPMENT – ADDITIONS AND ALTERATIONS TO AN EXISTING
RESTAURANT IN A SINGLE STOREY BUILDING
LOT 9043, 90 TODD STREET, TOWN OF ALICE SPRINGS
VODA BUILDING SERVICES PTY LTD**

Development Assessment Services tabled an email from the applicant advising their support for the recommendation in the Agenda Report.

**RESOLVED
0083/13**

That, the Development Consent Authority vary the requirements of Clause 6.5.3.3(g) and Clause 8.2.2(m)(screening of parking areas) of the NT Planning Scheme, and pursuant to section 53(b) of the *Planning Act*, alter the proposed development and consent to the proposed development as altered to develop Lot 9043 (90) Todd Street, Town of Alice Springs for the purpose of additions and alterations to an existing restaurant in a single storey building, subject to the following conditions:

CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings prepared by Voda Building Services Pty Ltd, identified as Project 12043, Drawing numbers A002, A101, A200 – A203 (inclusive), 2365/A24(Revision B) and 2365/A25 endorsed as forming part of this permit.
2. Landscaping must be implemented in accordance with the landscape plan endorsed as part of Development Permit DP06/0083 or an alternative detailed landscape plan submitted to and approved by the consent authority as part of this development permit. Any alternative 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 plan endorsed as part of Development Permit DP06/0083, must not include less screen planting adjacent to the Stott Terrace and Todd Street frontages than the plan endorsed as part of DP06/0083 and must include:
 - a) a survey (including botanical names) of all existing vegetation to be retained and/or removed;
 - b) details of surface finishes of pathways and driveways;
 - c) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - d) landscaping and planting within all open areas of the site;
 - e) (specify number) canopy trees (minimum two metres tall when planted) in the following areas: (specify location); and
 - f) provision of an in ground irrigation system to all landscaped areas; and reflect due regard to clause 6.3.3(g) and clause 8.2.2(m) of the NT Planning Scheme respectively and must not include less screen planting adjacent to the Stott Terrace and Todd Street frontages than the plan endorsed as part of DP06/0083.All species selected must be to the satisfaction of the consent authority.
3. Landscaping must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.

4. Storm water 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, the Alice Springs Town Council and/or the Department of Transport (Road Network Division), as the case may be, to the satisfaction of the consent authority.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities and electricity services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
6. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the restaurant building, unless with the consent of the consent authority.
7. 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; and
 - (d) drained;
 to the satisfaction of the consent authority.
 Car spaces, access lanes and driveways must be kept available for these purposes at all times.

NOTES

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@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.
2. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the National Construction Code of Australia, the *NT Public Health Act* and Regulations, the *NT Food Act* and National Food Safety Standards.

REASONS FOR THE DECISION

1. Pursuant to section 51 (a) of the *Planning Act*, the Development Consent Authority must take into consideration the planning scheme that applies to the land to which the application relates. The proposed development includes minor additions and alterations to an established restaurant and is considered to respond satisfactorily to the relevant provisions of the Northern Territory Planning Scheme

2. Pursuant to section 51(e) of the *Planning Act* the consent authority must take into consideration any submissions received. No public submissions were received
3. The Alice Springs Town Council did not make a submission under section 49 of the *Planning Act* and no public submissions were received.
4. Pursuant to section 51(h) of the *Planning Act* the consent authority must take into consideration the merits of the proposal. The proposed 'dumpster enclosure' addition may be expected to contribute to safer and more hygienic temporary storage of waste on the site and the proposed additions are designed as an orderly extension to the existing building.
5. Clause 2.5.3 of the allows the Development Consent Authority discretion to consent to development that does not meet a standard set out in Part 4 of the NT Planning Scheme only if it is satisfied that special circumstances justify the giving of consent. There are a number of circumstances which exist in relation to the proposed development which, collectively are considered to constitute a reasonable basis for supporting variations to Clause 6.5.3.3(g) and Clause 8.2.2(m) of the NT Planning Scheme respectively, including:
 - a) The parking layout has previously been approved under Development Permit DP06/0083 and has only been altered marginally.
 - b) The proposed development works will not alter the appearance of the parking area.
 - c) Condition 2 of this Development Permit will allow minor changes to the previously approved landscape plan, while ensuring that the objectives of clause 6.5.3.3(g) and 8.2.2(m) of the NT Planning Scheme are duly considered.
6. The conditions of approval are expected to:
 - a) assist in ensuring the orderly development of the site;
 - b) duly recognise service authority interests.

ACTION: Notice of Consent and Development Permit

**ITEM 5 DEVELOPMENT - SUBDIVISION FOR THE PURPOSES OF A UNIT TITLE SCHEME (SIX LOTS COMPRISING OF FIVE MULTIPLE DWELLINGS AND A COMMON PROPERTY AREA)
LOT 3268, 58 BRADSHAW DRIVE, SUBURB OF GILLEN, TOWN OF ALICE SPRINGS
THE WALARU DISCRETIONARY TRUST**

Mr Damien Johnson attended the meeting in support of the application.

RESOLVED That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority
0084/13 grant consent to the application to subdivide Lot 3268 (58) Bradshaw Drive, Suburb of Gillen, Town of Alice Springs for the purpose of a Unit Title Scheme (six lots comprising of five multiple dwellings and a common property area) subject to the following conditions:

CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
2. Prior to new titles being issued for the units shown on the endorsed drawings, a Scheme Statement meeting the requirements of the *Unit Titles Scheme Act* (as confirmed by the Land Titles Office, Department of the Attorney-General and Justice) shall be submitted for endorsement by the consent authority.
3. 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 on the plan of subdivision submitted for approval by the Surveyor General.
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 owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities, and telecommunication networks to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

NOTES:

1. 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.

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. The proposed subdivision for the purposes of a Unit Title Scheme is consistent with:
 - the purpose, objectives and performance criteria contained in Clause 11.1.4 (Subdivision for the Purposes of a Unit Title Scheme) of the NT Planning Scheme; and
 - the lawfully established multiple dwelling use of the site and the upgrading to the development that were approved by Alteration Permit AP12/0002.
2. A Scheme Statement is required to be submitted for endorsement by the Development Consent Authority prior to new titles being issued in order to ensure that the Scheme Statement is consistent with the development approved by Alteration Permit AP12/0002.
3. Pursuant to Clause 11.1.4(3) of the NT Planning Scheme, the consent authority is satisfied that the upgrading works carried out on the site (approved by Alteration Permit AP12/0002) were the only practicable design solution for the five dwellings

on the site.

4. The conditions of approval are intended to duly recognise service authority requirements and assist in ensuring the orderly servicing and development of the property.

ACTION: Notice of Consent and Development Permit

**ITEM 6 VARIATION TO DEVELOPMENT – VARIATION OF CONDITION 3 AND 4
LOT 4579, 6 GAP ROAD, SUBURB OF THE GAP, TOWN OF ALICE SPRINGS
DEPARTMENT OF INFRASTRUCTURE**

Mr Adrian Holmes (Department of Infrastructure) attended the meeting in support of the application.


**RESOLVED
0085/13**

That, pursuant to section 86 of the *Planning Act*, the Development Consent Authority delegates to the Chairman, or in the Chairman's absence any one of the other members of the Alice Springs Division the power under Section 57(3) of the *Planning Act* to determine the application to vary conditions 3 and 4 of Development Permit DP11/0742 for the purpose of changes to the drawings and Environmental Management Plan (EMP) subject to:

- No adverse public submission/s being received; and
- Inclusion of a condition requiring appropriate treatment (to be endorsed by the consent authority) of any blank wall space on the street boundary, with work to be completed within 6 months of the date of approval

ACTION: Development Assessment Services to prepare a Report to Delegate

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



PETER McQUEEN
Chairman

18/10/2013