



DEVELOPMENT CONSENT AUTHORITY

ALICE SPRINGS DIVISION

MINUTES

MEETING No. 177 – WEDNESDAY 13 NOVEMBER 2013

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

MEMBERS PRESENT: Peter McQueen (Chairman), David Koch, Steve Brown and John McBride (absent for deliberations)

APOLOGIES: Brendan Heenan

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

COUNCIL REPRESENTATIVE : Dilip Nellikat

Meeting opened at 9:45 am and closed at 10:25 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 – CARPORT AND PERGOLA ADDITIONS TO EXISTING SINGLE DWELLING WITH REDUCED SIDE SETBACK
LOT 6793, 9 NELSON TERRACE, SUBURB OF ARALUEN, TOWN OF ALICE SPRINGS
DESAKER PTY LTD**

Mr Brad Oakes and Mr Satnam Dhingra attended the meeting in support of the application. Mr Michael LaFlamme attended further to his written submissions.

RESOLVED That, the Development Consent Authority vary the requirements of Clause 7.3
0091/13 (Building Setbacks of 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 6793 (9) Nelson Terrace, Suburb of Araluen for the purpose of carport and pergola additions to an existing single dwelling, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) the elevation labelled in the original documentation as the ‘western elevation’ re-labelled as the ‘eastern elevation’;
 - b) the pergola roof with a maximum height of 3m above the existing ground level of the eastern side of the pergola.

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. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the Alice Springs Town Council, to the satisfaction of the consent authority.

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 to determine the Corporation’s servicing requirements, and the need

for upgrading of on-site and/ or surrounding infrastructure.

2. 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.

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 development is considered to be consistent with the form of development reasonably expected within Zone SD (Single Dwelling Residential) of the Northern Territory Planning Scheme (the Planning Scheme).

Clause 2.5.3 of the Planning Scheme allows the Development Consent Authority discretion to consent to development that does not meet a standard set out in Part 4 of the 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 the requested variations, including that:

- a) locations available for functional carport and pergola structures on the site are constrained by slope characteristics and the existing development of the site;
 - b) the proposed carport is:
 - i. to be located directly above an existing sealed driveway/car parking space;
 - ii. designed as an extension to an existing carport approved under Development Permit DP05/0326) and is not expected to result in any material loss of amenity to the adjoining property or the streetscape on account of the reduced side setback;
 - iii. designed to capture stormwater from the roof of the structure and direct it to the front of the property; and
 - c) the proposed pergola is:
 - i. to be located directly over an existing levelled private yard area;
 - ii. not expected to impede views from habitable rooms in the dwelling on adjoining Lot 6794; and
 - iii. not expected to detract from the streetscape or the amenity of the adjoining property on account of the reduced building setback.
2. 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 offer occupants an improved level of residential amenity, by providing weather protection for vehicles and a sheltered outdoor sitting area.
 3. 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 streetscape, nor to have any material impact on the amenity of adjoining Lot 6792 (7) Nelson Terrace or Lot 6794 (11) Nelson Terrace in terms of building mass, nor to frustrate the purpose of

clause 7.3 of the Planning Scheme on account of the reduced setback.

4. Development conditions and notes may be expected to assist in ensuring that:
 - a) stormwater is appropriately managed on site without impacting on adjoining properties; and
 - b) the Alice Springs Town Council's and the Power and Water Corporation's interests are duly recognised.
5. The application was referred to the local authority and the owners of adjoining Lot 6792 (7) Nelson Terrace and Lot 6794 (11) Nelson Terrace respectively, in accordance with the *Planning Act* and the Planning Regulations. The owners of Lot 6792 made a written submission in relation to the application, expressing concerns that the proposed carport and pergola may be used for commercial storage purposes unrelated to the single dwelling use. The application proposes the construction of a carport and pergola for use in association with and ancillary to the established single dwelling use.
6. Noting that the owner of Lot 6793 has advised that:
 - a) the elevation plan for the pergola is labelled incorrectly, in that the identified 'western elevation' is in fact the intended 'eastern elevation'; and
 - b) (noting that the existing ground level to the western side of the proposed pergola is higher than that to the eastern side of the pergola) the pergola roof will have a maximum height of 3m above the existing ground level of the eastern side of the pergola.

Conditions Precedent 1 is expected to clarify the intended design of the pergola structure; and facilitate amendments to the pergola that may be expected to reduce any potential impacts on the visual amenity of adjoining Lot 6794.

ACTION: Notice of Consent and Development Permit

**ITEM 2 DEVELOPMENT – CARAVAN PARK & MOTEL
LOT 288, 69 ROSS HIGHWAY, SUBURB OF ROSS, TOWN OF ALICE SPRINGS
MASTERPLAN NT**

Mr Tony Smith attended the meeting in support of the application. Mr Smith tabled an enlarged copy of the flood plan for and a map of registered bores on the site.

**RESOLVED
0092/13**

That, the Development Consent Authority vary the requirements of Clause 6.6 (Loading Bays), Clause 6.14 (Land Subject to Flooding and Storm Surge) and Clause 7.3.2 (Distance between Residential Buildings on One Site) 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 288, 69 Ross Highway, Suburb of Ross, Town of Alice Springs for the purpose of a motel (76 x single rooms) and caravan park (25 x 2 bedroom self contained cabins and 6 camping sites) including communal kitchen, dining area, ablutions, laundries, recreation area and office, 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) The extent of filling to the site and all proposed finished ground levels to Australian Height Datum (AHD);
 - (b) Details of any retaining walls;
 - (c) Any staging of the development (stage boundaries annotated on site plan);
 - (d) Accessible (for mobility impaired persons) parking bay/s on the site;
 - (e) the two existing informal vehicle access points from the Ross Highway to the existing single dwelling on the site rationalised to only one access;
 - (f) lighting at the entrance and throughout facility including all pathways, roadways, common areas, recreation areas etc;
 - (g) waste (garbage) collection point(s) within the site;
 - (h) all existing and proposed easements, electricity substations and services (water meter arrangements, fire hydrant boosters);
 - (i) location of any on-site wastewater treatment system/s to be used for the development;
 - (j) the location of any registered bores on the site;
 - (k) details of all boundary fencing to the site (locations, heights above finished ground levels and building materials);
 - (l) a survey (including botanical names) of all existing vegetation to be retained;
 - (m) details of surface finishes of all pathways and driveways;
 - (n) 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;
 - (o) landscaping and planting within all open areas of the site (surrounding cabins and motel building, surrounding the swimming pool, laundries and kitchen); and
 - (p) the provision of an in ground irrigation system to all landscaped areas.

All plant species selected must be to the satisfaction of the consent authority, species native to central Australia are preferred and due regard must be given to the objectives and design criteria contained in Clause 6.12 (Landscaping) and of the NT Planning Scheme.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings numbered endorsed as forming part of this permit. The use and development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
3. 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.

4. 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) in accordance with the dimensions of Clause 6.5.3 (Parking Layout) of the NT Planning Scheme);
 - (c) properly formed to such levels that they can be used in accordance with the plans;
 - (d) surfaced with an all-weather-seal coat;
 - (e) drained;
 - (f) line marked or otherwise suitably delineated to indicate each car space and all access lanes; and
 - (g) clearly marked to show the direction of traffic along access lanes and driveways;to the satisfaction of the consent authority.
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
5. The loading and unloading of goods from vehicles must only be carried out on the land must not disrupt the circulation and parking of vehicles on the land.
6. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Alice Springs Town Council and the Department of Transport as the case may be, to the satisfaction of the consent authority.
7. "No entry/no exit" signs and arrows directing the internal traffic movement on site shall be provided at completion of building to the requirements and satisfaction of the consent authority.
8. Access to and egress from the motel and caravan park development on the site for all vehicles (including waste collection vehicles) must only be from Ragonesi Road.
9. Any security boom, barrier or similar device controlling vehicular access to the premises must be located a minimum of six metres inside the property to allow vehicles to stand clear of the Ragonesi Road carriageway.
10. 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.
11. 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.
12. 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 development shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.
13. In the event the development is not connected to the Power and Water Corporations reticulated sewerage system, 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 motel and caravan park buildings and all waste must be disposed of within the curtilage of the property.

14. 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 and the Department of Transport, as the case may be, to the satisfaction of the consent authority.
15. Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the consent authority.
16. No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.
17. External lights must be designed, baffled and located to the satisfaction of the consent authority to prevent any adverse effect on adjoining road reserves or nearby land.
18. The finished floor levels of the motel buildings and caravan park cabins must be minimum of 300mm above the 1%AEP flood level for the property. The developer shall demonstrate compliance with this condition by providing "as-constructed" finished levels (certified by a Licensed Surveyor) of floor levels for each of the buildings. This condition is to the satisfaction of the Development Consent Authority.
19. Pursuant to section 34 of the Land Title Act, a Caution Notice shall be lodged with the Registrar-General on the title of Lot 288 to include the following advice on the development/use indicated on the endorsed drawings. The Caution Notice is to state that: "This allotment is subject to inundation in a 1% AEP Defined Flood Event". Evidence of lodgement/registration on the parcel shall be provided to the satisfaction of the consent authority.
20. All works requiring filling with appropriate soil type(s), together with any retaining walls are to be designed, supervised and certified on completion by a practicing and registered Civil Engineer, confirming that the land is suitable for the intended accommodation use and development, in accordance with Australian Standard AS3798: Guidelines on earthworks for commercial and residential developments, to the satisfaction the consent authority.

NOTES:

1. Consent is for the establishment of a motel and caravan park only. A "motel" is defined as a 'premises wholly or principally used for the accommodation of travellers and the vehicles used by them, whether or not the building is also used to provide meals to the travellers or to members of the general public and whether or not the premises are licensed under the Liquor Act' under the Northern Territory Planning Scheme. Any use that can be defined as "multiple dwellings" is not permitted on the site without additional development approval. "Multiple Dwellings" is defined as 'a building or group of buildings on a site which individually or collectively contain more than one dwelling (including serviced

apartments)'.

2. 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.
3. A "Permit to Work Within a Road Reserve" may be required from the Department of Transport and the Alice Springs Town Council before commencement of any work within the road reserve.
4. 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.
5. A groundwater extraction licence is required under the *Water Act* for any bore equipped to supply over 15 litres per second. For advice on water extraction licences please contact the Water Management branch of the Department of Land Resource Management.
6. 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.
7. 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.
8. 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.
9. Notwithstanding the approved plans, all signage is subject to Alice Springs Town Council approval, at no cost to Council.
10. 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.
11. The finish of any Prime Identification sign, if erected, shall be such that, if illuminated, day and night readability is the same and is of constant display (i.e. not flashing or variable message). The sign shall be positioned:
 - (a) so as not to create sun or headlight reflection to motorists; and
 - (b) be located entirely (including foundations and aerially) within the subject lot.

12. Any floodlighting or security lighting provided on site should be shielded in a manner to prevent the lighting being noticeable or causing nuisance to Ross Highway and Ragonesi Road traffic.
13. 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.
14. 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.
15. 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

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. Subject to the receipt of amended plans and compliance with conditions of approval, the proposed use and development is generally consistent with the following clauses and objectives of the NT Planning Scheme:
 - Clause 4.3 (Planning Principles – Alice Springs); and
 - Zone TC (Tourist Commercial), the primary purpose of Zone TC is to provide for uses and development servicing tourism, including commercial and residential activities. The motel and caravan park development use is compatible with other tourism, residential uses and short term accommodation developments in the Palm Circuit and Ragonesi Road locality. The architectural style and site layout is of a scale and character that complies with the majority of performance criteria contained in Part 4 of the Scheme and is compatible with other established uses and development nearby.
 - Clause 6.8 (Demountable Structures) the purpose of which is to ensure that demountable structures do not detract from the visual amenity of an area. The structures will be embellished by the use of verandahs. Proposed landscaping and fencing will assist in screening the structures and will reduce the visual impact when viewed from the street and adjoin properties.
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*. Once public submission was received in

response to the application. The matters raised in the submission have been noted by the consent authority:

- The development is consistent with the purpose of Zone TC (Tourist Commercial) of the NT Planning Scheme and the approved land uses are discretionary in the zone; and
 - the conditions of approval and associated notations are intended to ensure the orderly servicing and maintenance of the site.
3. Pursuant to section 51(h) of the *Planning Act*, in considering a development application the Development Consent Authority must take into consideration the merits of the proposal. The proposal will benefit the local community through the provision of additional accommodation options.
 4. Pursuant to section 51(j) of the *Planning Act*, 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.
 - Conditions of approval will ensure that the floor levels of habitable rooms of the accommodation buildings are constructed above the 1% AEP flood level, thereby achieving the purpose of Clause 6.14 of the NT Planning Scheme. The requirement for a Caution Notice is considered necessary to appropriately ensure that future land owners are aware of the flood liability of the land.
 - Based on concerns raised by the Department of Land Resource Management and the Department of Health which note the presence of bores and potential for groundwater contamination from on-site effluent disposal system it is a condition of approval that the development either connect to town (reticulated) sewer or if an on-site effluent system is used, the system comply with the Department of Health's standards.
 5. Pursuant to section 51(m) of the *Planning Act*, the consent must take into consideration 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 power, water and sewer services and a easement and associated infrastructure is to be located on the site. The application indicates that an on-site wastewater treatment system will be installed on site. These locations should be identified on the site plan and the conditions of approval are intended to assist in ensuring the orderly servicing and development of the property.
 6. Pursuant to section 51(n) of the *Planning Act*, the consent must take into consideration the potential the potential impact on the area in which the land is situated. The approved development and use has been assessed as being consistent with the zoning of the land and is considered appropriate for the site and locality. The design of the development and conditions of approval requiring further details of car parking, landscaping, lighting and fencing will assist in maintaining the amenity of the area and occupiers of the site.

ACTION:

Notice of Consent and Development Permit

ITEM 3 DEVELOPMENT – GARAGE, SHADE SAIL & PATIO (VERANDAH) ADDITIONS TO EXISTING SINGLE DWELLING WITH REDUCED FRONT AND SIDE SETBACKS LOT 5937, 41 EAGLE COURT, SUBURB OF DESERT SPRINGS, TOWN OF ALICE SPRINGS BRUCE THOMAS

Mr Steve Adler and Mr Bruce Thomas attended the meeting in support of the application.

RESOLVED The Development Consent Authority varies the requirements of Clause 7.3 (Building
0093/13 Setbacks for Residential Buildings) of the NT Planning Scheme, and pursuant to section 53(b) of the *Planning Act*, alters the proposed development and consents to the proposed development as altered to develop Lot 5937, 41 Eagle Court, Suburb of Desert Springs, Town of Alice Springs for the purpose of garage, shade sail and patio (verandah) additions to an existing single dwelling, 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 in accordance with the plans submitted with the application with respect to the shade sail and patio (verandah), but modified to show a revised design for the proposed garage that:
 - a) provides a minimum setback of 3 metres from the front boundary of the lot to the wall of the structure;
 - b) provides vehicle access to the new garage from the existing driveway;
 - c) limits driveway access to the parking area to the existing crossover located adjacent to the eastern boundary of the lot (allowing for some widening of the driveway as may be necessary); and
 - d) details proposed landscaping (including any existing plants proposed to be retained) between the garage and the western side boundaries and along the front boundary, extending from the western boundary to the eastern edge of the existing driveway. Suitability of the landscape plan is at the discretion of the consent authority and plant species and numbers should be selected with a view to minimising the potential for any adverse impact of the garage addition on the streetscape character and the amenity of other properties in the immediate locality.

The consent authority does not require, but will consider further amendments to the design, to include a carport structure within the parking area.

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. 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.
4. Before the use/occupation of the approved garage addition commences, works and landscaping shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
5. 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.
6. 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.
7. Any widening of the existing kerb crossover and driveway to the site approved by this permit is to meet the technical standards of Alice Springs Town Council, to the satisfaction of the consent authority.
8. Storm water 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.

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.

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 development is considered to be consistent with the primary purpose of Zone SD (Single Dwelling Residential) of the NT Planning Scheme (the Planning Scheme) to 'provide for single dwellings on individual lots'.
2. Pursuant to Clause 2.5.3 of the Planning Scheme, 'the consent authority may consent to the development of land that does not meet the standard set out in Parts 4 and 5 of the Scheme only if it is satisfied that special circumstances justify the giving of consent'. No special circumstances for the front setback encroachment (as presented in the application and revised drawing tabled at the 13/11/2013 DCA meeting) have been identified which merit the granting of consent by the authority.
3. Variations to Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme to allow reduced side (eastern) setbacks of a shade sail and patio (verandah) are granted as special circumstances have considered to exist, whereby:
 - a) the eastern side of the site abuts vacant Crown land, providing substantial setbacks to the adjoining residential property to the eastern side of the site; and
 - b) the shade sail and patio are:
 - i. integrated with the design features of the existing Single Dwelling in terms of height and colours; and
 - ii. not expected to have any adverse impact on the streetscape or the amenity of adjoining properties on account of the reduced setbacks; and
 - c) the granting of consent to the structures is not expected to frustrate the purpose of Clause 7.3 of the Planning Scheme.
4. The requested variation to Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme to allow a garage addition to extend to within 1.1 metre of the front boundary is not supported, as:
 - a) notwithstanding that no adverse public submissions were received under section 49 of the *Planning Act* and existing and proposed planting may be expected to assist to some extent in integrating the addition into the streetscape;
 - b) the proposed building setback is considered to be incompatible with the established streetscape, which is characterised by substantial front boundary building setbacks and established planting to the front of most properties;
 - c) the proposed garage extension will have an inordinately long axis presenting to the street and adjacent land, that may be expected to contribute to the effect of building massing when viewed from the street; and
 - d) the granting of consent to the garage with a building setback of

approximately 1 metre to the front boundary, instead of a minimum of 6 metres, may be expected to frustrate the purpose statement of Clause 7.3 of the Planning Scheme and the consent authority is not satisfied that special circumstances exist to justify the granting of consent to such a significant variation to the Scheme.

5. Notwithstanding that the consent authority does not consider there to be special circumstances that justify the granting of a front setback variation as requested, it is satisfied that a suitably redesigned garage (single) that provides a 3 metre minimum front setback to its northern wall and is partially screened from the street and adjoining properties by suitable landscaping, may be justified, as:
 - a) such an addition is not expected to be incompatible with the established streetscape, or to unduly contribute to the effect of building massing when viewed from the street and adjoining land; and
 - e) the granting of consent to such an addition (as altered) is not expected to frustrate the purpose of Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme.
6. Noting the applicant's stated need for additional secure parking for personal vehicles; and given the requirement to limit the size of the garage addition; the consent authority anticipates that, while not providing protection from theft or vandalism, a suitably designed and located carport addition could provide weather protection for an additional vehicle/s.
7. 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.
8. The application was publicly exhibited in accordance with the *Planning Act* and *Planning Regulations*. No public or local authority submissions were received.

ACTION: Notice of Consent and Development Permit

**ITEM 4 DEVELOPMENT – VEHICLE SALES AND HIRE (INCLUDING A DEMOUNTABLE OFFICE)
LOT 3, 9 RAILWAY TERRACE, TOWN OF ALICE SPRINGS
DENISE BONANNI**

Tania Bonanni attended the meeting in support of the application.

RESOLVED Pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 3, 9 Railway Terrace, Town of Alice Springs for the purpose of vehicle sales and hire and a demountable structure (office), subject to the following conditions:
0094/13

CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings numbered endorsed as forming part of this permit. The use and development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
2. 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 and all access lanes; and
 - (f) clearly marked to show the direction of traffic along access lanes and driveways; to the satisfaction of the consent authority.Car spaces, access lanes and driveways must be kept available for these purposes at all times.
3. 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.
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, sewerage and electricity facilities, to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

NOTES:

1. This permit will expire if one of the following circumstances applies:
 - (c) the development and use is/are not started within two years of the date of this permit; or
 - (d) the development is not completed within four years of the date of this permit.The consent authority may extend the periods referred to if a request is made in writing before the permit expires.
2. A "Permit to Work Within a Road Reserve" may be required from Alice Springs Town Council before commencement of any work within the road reserve.
3. 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. Notwithstanding the approved plans, all signage is subject to Alice Springs Town Council approval, at no cost to Council.
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.

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 development is consistent with the purpose of Zone CB (Central Business) of the NT Planning Scheme which is to 'provide for a diversity of activities including administrative, judicial, professional, office, entertainment, cultural, residential and retail and other business activities with a commitment to the separation of incompatible activities'.
2. The conditions of approval are intended to protect the heritage integrity of the well, duly recognise service authority requirements and assist in ensuring the orderly servicing and development of the property.
3. Pursuant to section 51(n) of the *Planning Act*, the consent authority must, in considering a development application, take into account the potential impact on the existing and future amenity of the area in which the land is situated. The vehicle sales and hire use is appropriate for the site and its locality and there will be no resultant detrimental amenity impact on occupants of the site or surrounding premises. The use of the site will not alter from that which was previously approved by Development Permits DP00/0141 and DP08/0055 and complies with the relevant objectives and performance criteria contained in the NT Planning Scheme
4. 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 5 DEVELOPMENT – SHADE CANOPY & WASH DOWN BAY ADDITIONS TO VEHICLE SALES AND HIRE DEVELOPMENT
LOT 949, 29 STUART HIGHWAY, SUBURB OF STUART, TOWN OF ALICE SPRINGS
J & L NEATE PTY LTD**

Mr Jason Neate (applicant) and David Fendt (Kennard's Hire) attended the meeting in support of the application.

RESOLVED
0095/13

The Development Consent Authority vary the requirements of Clause 6.5.1 (Parking Requirements), Clause 6.5.3 (Parking Layout) and Clause 9.1.1 (Industrial Setbacks) 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 949, 29 Stuart Highway, Suburb of Stuart, Town of Alice Springs for the purpose of shade canopy and wash down bay additions to Vehicle Sales and Hire, 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) details of all boundary fencing to the site (locations, heights and building materials);
 - (b) vehicle access points, driveways, vehicle turning areas and loading bay/s on the site (locations and dimensions);
 - (c) details of surface finishes of all pathways and driveways;
 - (d) any parking bays (existing or proposed) on the site;

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings numbered endorsed as forming part of this permit.
3. 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.
4. 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:
 - (h) constructed;
 - (i) properly formed to such levels that they can be used in accordance with the plans;
 - (j) surfaced with an all-weather-seal coat;
 - (k) drained;
 - (l) line marked or otherwise suitably delineated to indicate each car space and all access lanes; and
 - (m) clearly marked to show the direction of traffic along access lanes and driveways;to the satisfaction of the consent authority.
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
5. The loading and unloading of goods from vehicles must only be carried out on the land within the designated loading areas and must not disrupt the circulation and parking of vehicles on the land.

6. 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.
7. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the Road Network Division, Department of Transport, to the satisfaction of the consent authority.
8. 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.

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. 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.
5. 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.

REASONS FOR THE DECISION

1. Amended plans showing driveways and car parking spaces on the site that are compliant with the dimensions contained in Clause 6.5.3 of the NT Planning Scheme are required as it is considered in the public interest for a vehicle sales and hire development to provide an adequate number of car parking bays to cater for the occupants and customers of the site through a designated and

appropriately designed driveway and parking area. Furthermore, the application did not demonstrate any special circumstances which would justify a complete departure from the standards set by the NT Planning Scheme in respect to minimum performance criteria as specified in accordance with Clause 2.5 (Exercise of Discretion by the Consent Authority).

2. 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 use and development is consistent with the scale and form of development expected within Zone LI (Light Industry) of the NT Planning Scheme.
3. A reduction of car parking requirements specified by Clause 6.5.1 (Parking Requirements) of the NT Planning Scheme is supported under Clause 6.5.2 (Reduction in Parking Requirements) in recognition of:
 - The nature of the vehicle sales and hire use of the site;
 - Positions of existing buildings, driveways and equipment display areas which constrain the ability to establish designated parking areas on the land;
 - The floor areas, equipment display areas and number of buildings on the site will not increase on account of the shade canopy and wash down bay;
 - The driveways within the site facilitate the temporary parking of customer vehicles in an orderly manner to allow loading and unloading of items associated with the equipment hire use of the site.
4. Variations to Clause 6.5.3 (Parking Layout) of the NT Planning Scheme for a car parking area being located less than 3m from a street frontage is considered satisfactory in context of the Light Industry zoning of the land, surrounding developments, history of the site, and conditions of approval will ensure that car parking will be managed in an appropriate manner within designated car parking areas, and that all car parking bays are useable, functional and convenient and in accordance with the intent of the clause.
5. A variation to Clause 9.1.1 (Industrial Setbacks) is supported as the proposal is consistent with the industrial area in which the site is located and the reduced rear setback is unlikely to have any adverse impact on the amenity of the adjacent land or streetscape.

ACTION:

Notice of Consent and Development Permit

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



PETER McQUEEN
Chairman

15 / 11 / 2013

